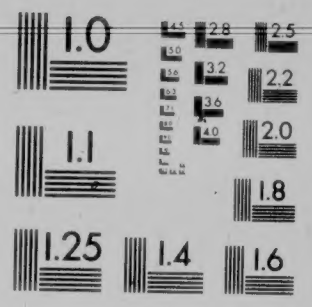
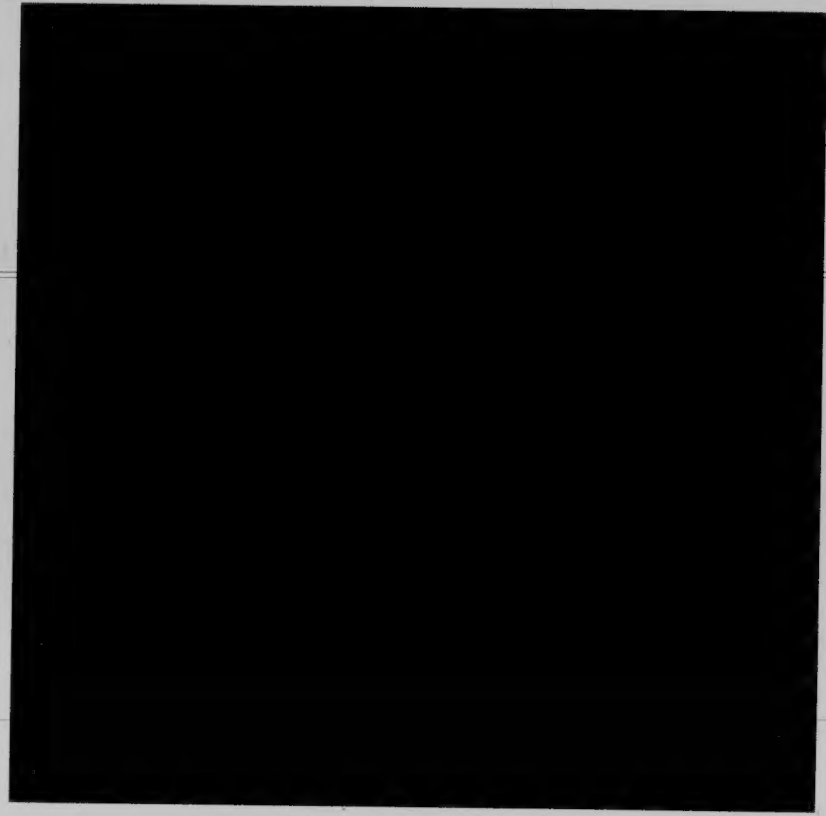
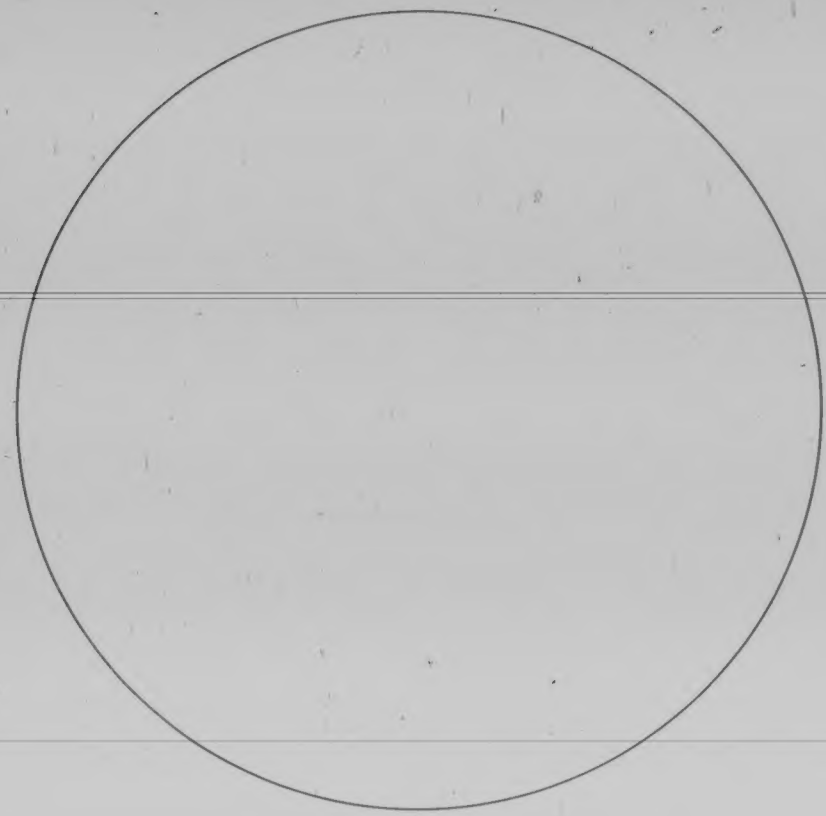
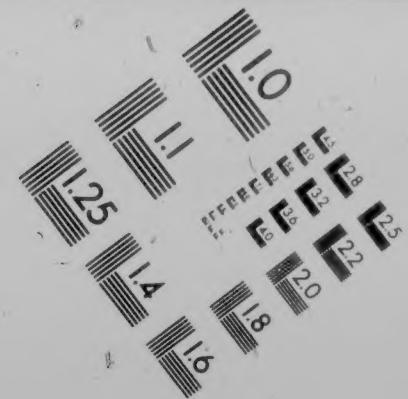
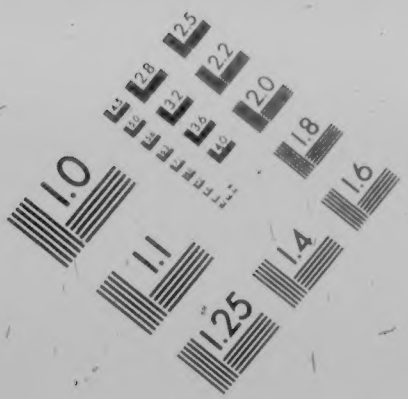
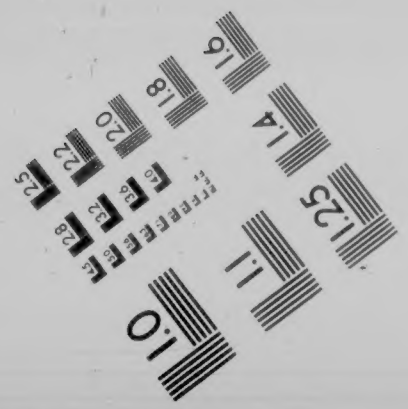
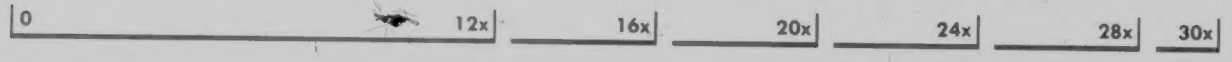




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APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1898 - 1914

ROLL 256

CHEROKEE BY BLOOD 10742 - 10750

**THE NATIONAL ARCHIVES  
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GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1983**

Cher 10742

John Dawson

Trans. from D578

Cher 10742

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

In the matter of the application of JOHN DAWSON, for the enrollment of himself and his children, ROBERT B., IOLA M., LEMUEL H., ROSIE B., CHARLES B., HATTIE J., JENNINGS B., JAMES U. and VERGAL C. DAWSON, as citizens by blood, and his wife SARAH J. DAWSON, as a citizen by intermarriage, of the Cherokee Nation:

JOHN DAWSON, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A John Dawson.  
Q What is your age ? A Fifty five.  
Q Your post office ? A Vasson.  
Q Are you the same John Dawson that made application to the Commission for enrollment as a citizen by blood of the Cherokee Nation in October, 1900 ? A Yes sir.  
Q What is your wife's name ? A Sarah J. Dawson.  
Q Is she a white person ? A Yes sir.  
Q Is she an applicant for enrollment as an intermarried citizen ? A Yes sir.  
Q When were you married to her ? A Thirty two years ago.  
Q Where were you married ? A In Arkansas.  
Q How long after your marriage before you came to the Cherokee Nation ? A I have been here eighteen years.  
Q Were you admitted to citizenship after your marriage ? A Yes sir.  
Q Have you lived in the Cherokee Nation all the time for the past eighteen years ? A Yes sir.  
Q You were never re-married to Sarah after your re-admission ? A No sir. They said it wasn't required.  
Q Have you and your wife Sarah lived together from the date of your marriage up to the present time ? A Yes sir.  
Q Have never been separated ? A No sir.  
Q Were you living together as husband and wife on the first day of September, 1902 ? A Yes sir.  
Q Are these children, Robert B., Iola M., Lemuel H., Rosie B., Charles B., Hattie J., Jennings B., James U. and Vergal C., all your children by your wife Sarah ? A Yes sir.  
Q Are these children all living at this time ? A Yes sir.  
Q Have they all lived in the Cherokee Nation for the past eighteen years, or since their birth ? A Yes sir.

E. S. Bagwell, an 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 case, and that the foregoing is an accurate transcript of his stenographic notes thereof.

*E. S. Bagwell*

Subscribed and sworn to before me this November 19, 1902.

*B. C. Jones*  
Notary Public.



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

CHEROKEE ENROLLMENT OFFICE.

Vinita, I. T., MAY 20 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.
D-578 ✓	John Dawson		54
D-578 ✓	Sarah J Dawson	Wife	46
D-578 ✓	Samuel H. Dawson	Son	17
D-578 ✓	Kathie J. Dawson	Daughter	9
D-578 ✓	Jennings B Dawson	Son	6
D-578 ✓	James H. Dawson	Son	4
D-578 ✓	Vergal C. Dawson	Son	1

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.

*[Signature]*

Enrollment Clerk.

*[Signature]*

CHAIRMAN

Chairman.



7

SEP 23 1887

Handwritten scribbles and illegible text, possibly including a signature or name.

Dep

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

CHEROKEE ENROLLMENT OFFICE.

*India, I. T.*

I. T., MAR 21 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.
D-578	✓ Charles B. Dawson		12
<p>Represented by John Dawson, Father</p>			

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.

*[Signature]*

Enrollment Clerk.

*[Signature]*

CHAIRMAN

Chairman.

*[Handwritten initials]*

MH

Cherokee #10742.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
CHEROKEE LAND OFFICE.  
Tahlequah, I. T., January 12, 1905.

In the matter of the application of John Dawson for the enrollment of himself and children, Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B., James M. and Vergal C. Dawson as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

Iola M. Sult, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Iola M. Sult.  
Q How old are you? A 21.  
Q What is your postoffice? A Timbered Hill.  
Q Are you a Cherokeeby blood? A Yes'm.  
Q Are you a daughter of John Dawson? A Yes'm.  
Q Have you married since you enrolled? A Yes'm.  
Q What is the name of your husband? A Will Sult.  
Q Is he a citizen of the Cherokee Nation? A No.  
Q When were you married? A June 29, 1904.  
Q Are you and he living together now? A Yes'm.

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 true and complete transcript of my stenographic notes thereof.

May Hudson

Subscribed and sworn to before me this 12th day of January, 1905.

Samuel Freeman  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Brackinridge, testified as follows:

- Q What is your full name? A Francis Marion Dawson.
- Q What is your age? A I am fifty eight years old.
- Q What is your birthplace? A Doonah.
- Q What District is your wife in? A Delaware.
- Q Who is it you want to have enrolled? A Myself and family.
- Q Your wife? A Yes, sir.
- Q How many children? A Six.
- Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
- Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.

Q How long have you lived in the Cherokee Nation? A Since 1883.  
Q Were you admitted by the Cherokee Commission? A Yes, sir.  
The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

- Q That is your name is it? A Yes, sir.
- Q This is recognized as satisfactory evidence of the facts stated. Have you lived in the Cherokee Nation ever since your admission? A Yes, sir; in Delaware District ever since.
- Q Give me the name of your wife? A Katie Dawson.
- Q How old is she now? A Forty five.
- Q Was she admitted with you? A No, sir.
- Q Have you married her according to Cherokee law since your admission? A No, sir.
- Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend B. F. Goodrich, in Carroll County, Arkansas, the license being issued by the Clerk of that County. These papers are filed herewith.

- Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
- Q Or at any other time? A No, sir.
- Q By act of the Commission or Council? A No, sir; she was placed on the rolls.
- Q On the German roll? A Yes, sir.
- Q Give me the name of your children, please? A Lola.
- Q How old? A ...
- Q Next child? A ...
- Q How old? A ...
- Q Next child? A ...
- Q How old? A ...
- Q Next child? A ...
- Q How old? A ...
- Q Next child? A ...
- Q How old? A ...
- Q Next child? A ...
- Q How old? A ...

Q Next child? A Laura.  
 Q How old is that child? A She is four years old.  
 Q Is that all? A Yes, sir; six of them. I have others, but they are not at home.  
 Q Are they married? A No, sir.  
 Q Are they over age? A Yes, sir.

- (1898 Roll, Page 461, #902, Francis Marion Dawson, Delaware.
- (1896 Roll, Page 569, #135, Katie Dawson, Delaware District.
- (1896 Roll, Page 461, #903, Lula Dawson, " "
- (1898 Roll, Page 461, #904, Ray Dawson, " "
- (1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dist.)
- (1896 Roll, Page 461, #906, Jacob Levy Dawson, " "
- (1896 Roll, Page 461, #907, Hugh A. Donmore Dawson, " "
- (1898 Roll, Page 461, #908, Laura Albertie Dawson, " ")

Q Is this Lula or Luly? A Luly.  
 The applicant applies for the enrollment of himself, wife and six children:  
 Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission; she has never been remarried according to Cherokee law. She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

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. E. Craven.

Subscribed and sworn to before me  
 this 10th day of September, 1900.

(Signed) C. R. Breckinridge,  
 Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment  
of F. M. Dawson and others as  
Cherokee citizens.

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Balsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q State your name, age, residence and occupation?  
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation.  
I. T. I am a farmer.  
Q How long have resided in the Cherokee Nation? A All my life.  
Q Are you a citizen of the Cherokee Nation as now constituted?  
A Yes, sir.  
Q Upon what is that citizenship based, blood or otherwise?  
A Blood.  
Q What, if any official position have you held in the Cherokee Nation, and at what time?  
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.  
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.  
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.  
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?  
A There were three, Taha, Wolf and myself, Taha was President of the Court.  
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.  
Q Did you have a Clerk? A Yes, sir.  
Q Do you remember the that was? A D. W. C. Duncan.  
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.  
Q Can you recollect how what period of time that Commission lasted?  
A About two years I think, two, sessions, and there was one session each year.  
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?  
A Yes, sir.  
Q Were the cases coming before that body heard in open session?  
A Yes.  
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open sessions?

A In case of decisions I think they sometimes had secret sessions; yes, the judgments of the Commission were pronounced openly.

Q What you intended to convey by your answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.

Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?

A I recognize the signature to it, but don't remember the instrument.

Q Which signature on that paper do you recognize? A My own.

Q That signature is in your own handwriting? A Yes, sir.

Q Do you know whether Thomas Teehee, president of the Commission could write in English or not? A No, I don't think he could.

Q How as to Alexander Wolfe, a member of the Commission?

A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.

Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?

A Tolerably well, but it has been a long time since I saw any of it.

Q Will you look at the paper again and say whether you recognize this signature attached thereto?

A Yes, that is his signature to the best of my knowledge.

Q Do you preserve any personal recollection of the application before that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by that Commission?

A I remember F. M. Dawson and his brother, that is about the only ones I remember.

Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?

A Yes, there was such a claim before the Commission.

Q Can you state as to the citizenship of Thomas Teehee, whether he was a citizen of the Nation by blood or not?

A Yes, sir, he was always recognized as such, full blood Cherokee.

Q What is your knowledge of Alexander Wolfe?

A About the same, he was also a full blood and recognized as a Cherokee.

Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or may member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?

A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

#### CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?

A Yes, sir.

Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?

A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.

Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took ex parte



affidavits of witnesses when those witnesses were not present?  
A I think we ruled ex parte evidence out, as well as I remember.  
Q Did you have any stenographer or anybody to copy the evidence?  
Mr. Duncan did all of the copying.  
Q Was the evidence copied and preserved?  
A Yes, sir, I think it was.  
Q What was done with that evidence, where was any of it ever put?  
A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.  
Q When you went into secret session did you have Mr. Duncan read that evidence to you?  
A Yes, sir, we went over the evidence thoroughly.  
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?

A Yes, sir.  
Q When you got ready to render your decisions did you then send the applicants or their attorneys?  
A Yes, sir.  
Q And you rendered them in secret also, did you? A Yes, sir.  
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.  
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.  
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.  
Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.  
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.  
Q Who was the attorney for the Dawsons? A Old man Houston Bengo.  
Q Could either Teehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.  
Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.  
Q How long were you considering the case altogether?  
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time sitting in testimony.  
Q There were only two or three witnesses examined all told, were there not?  
A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.  
Q Well the Court was a good while arriving at its conclusion after the evidence was closed?  
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case?  
A His name was Reese, I forget his given name.

Q Do you know whether he is living or dead?  
 A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.  
 Q What was he, a Cherokee by blood?  
 A He was considered a Cherokee by blood.  
 Q Do you know where he lived at that time?  
 A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

**CERTIFICATE OF RECORD.**

United States of America,  
 Indian Territory,  
 Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 3 day of March, A. D. 1885, at 10 o'clock A. M. and duly recorded in book C. Micl Record 1873, & 1874.  
 Witness my hand and seal of office at Muskogee, in said Territory this 13 day of March, A. D. 1885.

(SEAL)

H. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

No. 108, Robt. Dawson et al, vs the Cherokee Nation, Transcript of Judgment, filed Mar. 9, 1885 10-30 A. M. Marshall L. Bragdon, Clerk.

**OFFICE OF COMMISSION ON CITIZENSHIP,  
 TALLEQUAN, CHEROKEE NATION, JANUARY 11th, 1885.**

No. 108 Robt. Dawson, F. H. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, William Dawson, James Dawson, Rial Dawson,  
 vs,  
 The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1885, this case coming on for final hearing and all the evidence produced in the case being heard by me and duly considered by the Commission, it was adjudged and determined by the Commission on citizenship, that the children, Robt. Dawson, F. H. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, William Dawson, James Dawson, and Rial Dawson, are entitled to all the rights and privileges of American citizenship within the Cherokee Nation, and that they should be, and they shall be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokee.

D. W. C. Duncan,	}	Thomas Schoe, President of Com.	}	
Clerk of Commission.		Alex Wolf,		Commissioners.
		T. P. Thompson,		

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883. D. W. C. Duncan, Clerk of Commission.

Executive Department,  
Talloquah, Cherokee Nation,

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Schoe, President, Alex Wolf and T. P. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the  
Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,  
Asst. Ex. Secretary.

United States of America,  
Indian Territory,  
Northern District.

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. P. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. P. Thompson, L. T. M. - N. P. Oct. 4, 1900. The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd, 1903..

D. W. C. Dugan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q Please sit to your name, age, residence and occupation?  
A My name is D. W. C. Dugan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.  
Q How long has that been your place of residence? A Since 1874.  
Q Are you a member of the Cherokee Nation as it is now constituted?  
A Yes, sir.  
Q Upon what is your citizenship based, a Cherokee by blood?  
A Yes, a Cherokee by blood.  
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?  
A About that time I held the position of clerk of the Citizenship Court or Commission.  
Q If you remember the names of the members of that Commission or Court, please give them?  
A The President of the Commission was Tabeo I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.  
Q T. F. Thompson?  
A Yes.  
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?  
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.  
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will set out to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?  
A Yes, I think I have seen this before.  
Q When, and where, if you remember, did you first see that paper?  
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.  
Q Looking at its date, was it drawn at you at the time it bears date?  
A To the best of my recollection it was drawn at the date specified.  
Q Do you recognize the signature to the certificate attached to that paper?  
A Yes, that is my signature.  
Q State if you know, in whose handwriting the body of the paper is?  
A It is in my handwriting.  
Q And at that time you were Clerk of that Commission? A Yes.  
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?  
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.  
Q Explain please, how you came to write the signatures of Thomas Tabeo and Alex Wolfe to that report?  
A Thomas Tabeo and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.



Q Was that the usual manner of certifying to the action of the Commission to applicants on to the decision of their application for citizenship, when admitted?

A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. F. Thompson to sign his own name.

Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call your attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?

A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.

Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?

A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q How was the evidence taken in those cases?

A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existence or not?

A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.

Q You say you never heard any talk about this being an improper case until very recently?

A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recall his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. G. Duncan,

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do hereby certify that the foregoing depositions of T. F. Thompson and D. W. G. Duncan were taken before me at the time and place and in the cities mentioned in the caption, and said T. F. Thompson and D. W. G. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence, the elements being present in person and by their attorney S. S. Jackson, and the Cherokee Nation being represented by W. I. Hutchins as its attorney;

Given under my hand this 4th day of October, A. D. 1906.

(SEAL)

(Signed) Lewis T. Martin,

Notary Public.

My commission expires 2/3/1907.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., April 2, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation, He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.  
Q How old are you? A Soon will be sixth years old.  
Q What is your postoffice address? A Afton now, it used to be Osburn.  
Q What was the name of your wife? A My first wife was Julia Ann Howard.  
Q She was a white woman? A Yes, sir.  
Q When were you married to her? A I think it was the 8th of January, 1884.  
Q Where were you living at that time? A In Arkansas.  
Q Who married you? A A man by the name of Dave Sturdy.  
Q Was he a preacher? A Yes, sir.  
Q A Minister of the Gospel? A Yes, sir.  
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.  
Q Did you have any children by her? A Yes, sir.  
Q What are their names? A Willie R. Dawson.  
Q The next one? A Francis Marion Dawson Jr.  
Q The next one? A Johnnie.  
Q The next child? A Elizabeth.  
Q The next one? A Arizona Allied.  
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.  
Q How old are you? A I will be 34 the 18th day of June.  
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.  
Q How are you related to him? A Brother.  
Q Did you know his former wife, Julia? A Yes, sir.  
Q Is she living or dead? A She is dead.  
Q Was she a Cherokee or white woman? A I couldn't say what she they married in the states.  
Q Do you know when he was married to her? A Yes, sir.  
Q When was it? A About the close of the war.  
Q Who married them? A Parson Smedley.  
Q Were you present when they were married? A Yes, sir.  
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.  
Q How old are you? A 68 years old.  
Q What is your postoffice address? A Afton.  
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Bud Dawson.  
Q How long have you known him? A My first acquaintance with him was in '01.  
Q Did you know his first wife, Julia? A Yes, sir.

- Q Do you know whether or not they were married? A Yes, sir, they were married.
- Q Were you present at the marriage? A No, I was not present at the marriage.
- Q Did you see them soon after their marriage? A Yes, sir.
- Q Did you continue to have contact with them at that time or thereafter? I haven't seen them as long as the time.
- Q During the time you have seen them, they live together as husband and wife? A Yes, sir.
- Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following cases: Arizona Alfred et al. vs. ... D-380, William K. Dawson D-381, Lizzie Dawson D-382 and ... D-383.

I, the undersigned, standing in the presence of the Five Civilized Tribes, do hereby certify that I received the foregoing in this case and that the same is a true and correct copy of my stenographic notes.

(Signed) R. A. Rothman



Supl.-C. D. #324.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the  
following proceedings are had:

APPEARANCES:

Mr. A. S. McKennon, of counsel for applicants;  
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case  
and announces that it is ready for trial, provided permission is  
given to hereafter examine before the Commission, either at this  
place or Fort Gibson, the witness S. H. Benge, who has been regularly  
summoned to attend at this day and time but who is too sick to  
travel at this time and probably will be for some time to come. As  
evidence of a good faith of the Nation we hereby present an affidavit  
of the facts sought to be proven by the said Benge. If the applicant's  
counsel are willing to concede that the witness if present would  
testify to the facts herein set forth, the Nation is ready to  
proceed to trial without reservation of any kind. If they are not  
it desires to reserve this privilege of hereafter, either tomorrow  
or otherwise, this case being set for to-day and tomorrow, of  
examining before the Commission, or its authorized officer, this  
witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the  
paper presented and do not admit that the witness, Samuel H. Benge  
if present would testify to the facts therein stated. They consent  
and desire that the testimony of said Benge be taken before the  
Commission at its office in Muskogee but not elsewhere, and protest  
against it being taken at any other place, with the understanding,  
however, that when taken we have opportunity to introduce any evidence  
we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing Counsel,  
their client and Commission officers in taking the deposition at  
Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are  
material in their character and are quite tangent. The Commission  
of its own volition would acquire information of that character if  
it knew of its existence anywhere. While the functions of the  
Commission, as well known are in many respects judicial, yet it is  
bodied with somewhat complex powers, such as Congress creates from  
time to time to do business of certain character, and it is ordered  
to make a correct roll, which is a duty largely independent of  
hearing simply what is brought before them; it must be the architect  
and constructor of that roll and if evidence is not brought before  
before the Commission it must go out and get it, to be uniform on  
that construction of the law. The Commission, therefore, desires  
this information independent of any counsel on either side both with  
respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 2:30 to-morrow morning.

FRANCIS H. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

- Q What is your name? A Francis H. Dawson.  
Q Where do you reside? A In Arden.  
Q You have been examined in this case heretofore, have you?  
A I don't know which case it is.  
Q In your own case? A Yes, sir.  
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.  
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.  
Q What was his name? A A. E. Dawson.  
Q You and Robert Dawson and Elliott Dawson and others applied September 24, '81, about that time? A Yes, sir.  
Q And you were admitted about the 11th of January '83? A Yes, sir.  
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.  
Q Do you or not remember the evidence offered in theirs to substantiate their cases and the relationship between yourself and Robert and others and the evidence of your admission by the Federal Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; what was the only evidence offered in any subsequent cases, wasn't it; so far as you know?  
A That is after that?  
Q Yes, afterwards? A I think there was some other evidence introduced.  
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.  
Q The one? A Oliver Miller.  
Q Who was Oliver Miller; the records in this case have been somewhat destroyed and obliterated? A Oliver Miller lived in Arkansas.  
Q What was his age and was not? A He is no kin to me at all.  
Q Well, what station in life did he occupy; was he a farmer?  
A Yes, sir, farmer.  
Q Were you present when he testified? A Yes, sir.  
Q Were you present when Dr. Baker testified? A Yes, sir.

- Q Have you a fair recollection of the testimony of those two men?  
A No, not at all.
- Q You don't read do you, Mr. Dawson? A No, sir. I don't read nor write; I can barely write my name.
- Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
- Q Were you present when you were admitted? A I was not in the room.
- Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
- Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:  
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
- Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
- Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
- Q Now, you were a son of what Dawson? A Robert Dawson.
- Q How many children did Robert Dawson have, and give me their names?  
A Elbert Dawson, the oldest; Lila, Jasper, Francis Marion-
- Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
- Q Thirteen? (No response.)
- Q Now, Robert Dawson's father was whom? A Sam Dawson.
- Q Who was Sam Dawson's wife, your grandmother? A I have been told.
- Q By family history is all you know? A She was called Polly Dawson.
- Q Who was Anna Pruitt? A I don't know.
- Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
- Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
- Q Pollie Dawson? A Yes, sir.
- Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
- Q Daughter of Captain John Rogers? A Yes, sir.
- Q Now, she died in Texas what time? A I don't remember.
- Q Can't you guess at it? A Oh, I could guess.
- Q Give your best recollection? A About '88 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
- Q How old a boy were you then? A I was born in '42.
- Q Have you any distinct recollection of her? A No, sir.
- Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and aunts? I didn't see all of them.
- Q Do you know by family history the names of all of them? A Yes, sir.
- Q Will you give them to me?  
A Betsy Ann Dawson, I believe her name was.
- Q Did she marry a Patty? A Yes, sir; the next is Robert Dawson.
- Q Your father? A Yes, sir.
- Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
- Q Did he have two daughters? A Yes, sir.
- Q Well sir? A The next one was Joe Dawson; I never saw him; Riley Dawson.

- Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.  
Q Any other one? A That is all I know anything about.  
Q Did he have any child by the name of John? A Yes, Jack.  
Q Didn't you get Jack displaced with Joe? A No, it was Joe; I have heard my father speak of him.  
Q Then they have seven children? A I never saw them all.  
Q How many of them did you ever see? A I used Uncle Riley Dawson and James Dawson and Jack Dawson and Netsy Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi to think.  
Q Do you know what your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.  
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.  
Q What is that other man, Oliver Miller that testified in your case? A He testified in James Dawson's case; he never testified in my father's case.  
Q Well, didn't anybody testify in your case but Dr. Baker?  
A Yes, sir, several other witnesses.  
Q Who were they? A I don't remember; my mother got them witnesses around Table Rock, old people.  
Q Were you present? A No, sir.  
Q You were only present when Dr. Baker testified? A Yes, sir.  
Q Now, do you find any mistake in Dr. Baker's statement there?  
A I could not say all of that was correct or not, part of it is correct.  
Q What part is correct? A My about knowing the family over there.  
Q Who is Buck Dawson? A My brother.  
Q What is his name? A He always called him Buck, it is Elbert, Dawson.  
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.  
Q The first time? A I met my brother in Texas.  
Q Which one? A E. Dawson.  
Q That is Elbert or Buck? A Yes, sir.  
Q You were living in Arkansas? A Yes, sir.  
Q A & he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.  
Q Dr. Dawson now? A Yes, sir.  
Q What is his name? A James.  
Q And you three went there? A Yes, sir.

Mr. McKenna: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Now: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

E. M. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. TAYLOR:



Q State your name? A C. E. Taylor.  
 Q Where do you reside, Mr. Taylor? A In near Coffeyville.  
 Q Were you an attorney before various citizen courts along in '81 to '87 in the Cherokee Nation at Tallahatchee? A Yes, sir.  
 Q Were you attorney for F. W. Danson commonly known as Bud Danson?  
 A Yes, sir.  
 Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.  
 Q Do you know who composed the court that decided the case at that time? A Yes, sir.  
 Q Who were they? A Tom Toney and Alex Wolfe and Tony Thompson.  
 Q Do you know whether or not they were all there when the case was decided? A No, sir, there was only two of them present.  
 Q Which two? A Toney and Wolfe.  
 Q Who was the clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.  
 Q Do you know what witnesses were used in the case of Bud Danson?  
 A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.  
 Q Even when you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys and the case could be employed there.

Q Did you send the witnesses in this case? A No, sir.  
 Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to take any statement.  
 Q Now, you have claimed your privilege, I ask that you answer the question? Did Danson ever send you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.

Commissioner: Just answer the question, Mr. Taylor.  
 A Well, the attorney I don't believe it is right for me to answer that question.

Commissioner: Do you refuse to answer? A Yes, sir.  
 Q Did the matter in which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER HERSHENTRIDE:  
 Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.

Mr. Taylor, do you object to answering that question? A Yes, sir.  
 Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.

Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privilege, as an attorney, do you? A Yes, sir.

COMMISSIONER HERSHENTRIDE: The matter in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the jurisdiction devolves and the Government

has the right to collect all the information possible, but it is subject to the limit of law. It is not for this Commission to decide if the law is a matter of this character with any authority as I understand it at this time, and to report the matter to the United States Court and let the Court pass judgment.

Under Section 21 of the Circuit law as it is commonly called Act of June 231898, the members of the Col. Division shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain persons goes on to say so far as all others are concerned to enable said Commission to make calls & claims required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are vit in your lawful privileges. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege—according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court: do you refuse? A Yes, sir.

Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.

Q Now, I require that you answer that question, do you refuse? A Yes, sir.

Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which is generally considered a privilege matter, and your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKernon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

**COM'R BRACKETT'S:**

Q You still refuse to answer the consent of the attorney's in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Brackett's: It will rest until in the morning at its present status: it is not a business matter now.

As if the objection made by Captain McKernon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.  
(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 10, 1898.)

Spl.-C. D. #304.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS H. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:

Mr. A. S. McKennon, of Counsel for applicants.  
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows  
on part of the Cherokee Nation:  
W. T. HUTCHINGS:

- Q State your name? A Samuel H. Benge.  
Q Where do you reside? A Fort Gibson.  
Q How old are you? A I am 70 years old, going in 71.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee  
by blood.  
Q State what official position you have held in the Cherokee Nation  
and what your general connection with the Nation officially in the  
last 20 years? A Well, I had several: I have been Sheriff,  
Councillor, Senator, Delegate to Washington; had a hand in making  
the treaty of 1808, I am the only one living that signed that treaty;  
President of the National Council of different tribes of Indians.  
Q Were you acquainted with F. H. Dawson, commonly called Bud  
Dawson? A Yes, sir; I know him.  
Q State your connection with and what you know about his citizenship  
case before what is now called the Thomas Tehee Citizenship Court?  
A Mr. Dawson came down, I was living down below here, he come and  
employed me to take to his case and we went to Tahlequah, I believe  
if I ain't mistaken in 1881 and filed his case there; we went  
several times and continued his case on for the want of evidence,  
and finally while we was up there we run across one old darkey by  
the name of Tosh Rogers; we got his testimony and after we got  
that testimony we concluded that it was sufficient to go into the  
trial with. Tosh lived here at Fort Gibson, he was a horse trainer  
down here and stayed here; he claimed that he knew the Rogers and  
belonged to one of them and after that we thought we had sufficient  
evidence we submitted our case to the Court for trial, and the Court  
went to work and rendered a decision against Mr. Dawson.  
I told Mr. Dawson right there that "our case is dough", just made  
that remark, and he just made the remark "never mind", and next  
morning they taken up his case again and they rendered a decision in  
his favor. I filed no motion nor any evidence at all whatever; I  
give the case up right there and the decision was then given in his  
favor, and on our way back from Tahlequah, why we got to talking  
about the case and I told him: "it was a pretty hard blow when they  
rendered that decision against us." He said: "yes, but Duncan was  
able to reach", but he reached his with five hundred dollars.  
Q What position did Duncan occupy? A He was a Clerk of the Court.  
Q Duncan an educated man or? Yes, sir; he was an educated man.  
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and  
Tom Thompson.  
Q How many of these could speak English at all? A One.  
Q Which one? A Thompson.  
Q Who was the Attorney that represented the Nation in those cases?  
A Myself.

Q What was his given name? A Wilson Sanders; was it Wilton Sanders?  
A Wilson Sanders.

Q Was he an educated man, or could speak English well? A No, sir.

Q Did Mr. Dawson say anything about the matters having cost him a  
good deal of money? A He said it had cost him a right smart.

Q Was any remark made on the way back about the opening up of the  
case, and if so, what? A He asked me if I thought the case was  
ever investigated eventually and I told him I didn't know.

MR. MCKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of  
those investigations that have been made since that time? A I  
don't know that you might call it a witness; that young man come to  
see me at Tahlequah, and asked me to help him up there that the  
case was going against him, him and his mother and all was about  
knocked out and I interceded and done what I could there before the  
Committee. I was not a witness but she is that I don't for him.

Q That was Mr. Graham, wasn't it? A Yes, sir.

Q Have you had conversations with Mr. Graham since that time about  
it? A Now, I might, I don't recollect, I might have had conversat-  
ions with him.

Q Well, after the Dawson Commission began taking a census of the  
Cherokees and when they were about Sallisaw down here, did you have  
conversation with him here in Fort Gibson about the matter?

A Now, I just can't tell you; I have seen him on several occasions,  
but the conversations we might have had I can't state.

Q To refresh your memory I will ask you if he did not tell you  
that they were making a fight on the Dawson family and he wanted to  
know of you whether that judgment in favor of Robert Dawson's family  
was fairly rendered, and did you not then tell him that it was all  
right, that it was fairly obtained? A Not as I recollect of; all  
I know; that is as I have stated he talked to me in regard to  
his father, himself and probably his brothers and sisters, I don't  
recollect how many there were, but he told me they were rejected,  
that is just the words he used.

Q Where? A It has been sometime ago.

Q Here in Fort Gibson? A Well, that is I saw him here in Fort  
Gibson, and then I saw him in Tahlequah.

Q Well, did he here in Fort Gibson ask you particularly about the  
Robert Dawson judgment, as to whether it was fairly obtained or not?

A No, sir; he was basing his claim on the Dawson case, that is the  
one he-

Q What is the principal Dawson family? A Yes.

Q When was this other written statement here made, when was this  
made by you? (referring to affidavit heretofore referred to.)

A Yesterday I reckon.

Q To come to take this? A Mr. Starr.

Q Who else was present when this was taken? A No, sir.

Q Whom had you told about this matter, Judge? A No one as I know  
of.

Q Do you know how it was that they knew that you knew this?

A No, sir.

Q You never made any statement? A Never made any statement that  
I recollect of except I might have talked with Sciles, he and him

talked about these cases a good many times; if I ever made a state-  
ment it was to Joe Ab Sciles.

Q How did Mr. Starr know? A I could not tell you how Mr. Starr  
knew.



Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said "what do you go." and he went to work and named Shoemaker case and Dawson case; And thereupon you made this tatement? A He said he wanted to qualify me.

Q Are you certain Judge that after the rendition of that judgment Dawson came back here to Fort Gibson with you?  
A Yes, sir; we was together.

Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.

Q And returned here together? A Yes, sir.

Q Did he not leave you there and go back direct to Arkansas?  
A Yes, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Arkansas falls up here to my house, that is according to his statement.

Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.

Q How did they pay you? A Paid me the money.

Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.

Q Mr. Graham? A Yes.

Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.

Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.

Q Where did he pay you the money? A Paid it here at home.

Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more;

Q You want to know what I got, I got one hundredn dollars.

Q You were acting as his attorney in the case? A Yes, sir.

Q How many judges were there present when the judgment was rendered?  
A In his case?

Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Teneo and Wolfe.

Q Don't you remember that they were all present? A No, I think they were present though.

Q Who else was present at the time? A Oh, I could not tell you; there were several people in the house; could not tell you at all.

Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.

Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.

Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.

Q How long did you remain out at Tahlequah on that trip?

A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A No, sir.

Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present)  
A I don't know whether the judges received any or not.

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J. O. Reason, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Reason.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.  
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.  
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today? Have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.

Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever came up in that respect, he asked me if whatever large cases that would come up before the Court

to let him know.

Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.

Q Did you see him again that night? A Yes, sir; after supper I went down to his room.

Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.

Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.

Q You carried Dawson to him? A Yes, sir.

- Q Did you remain during the conversation? A Only a minute.
- Q What was said if naything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
- Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, saying, "gentlemen, I will go home."
- Q Do you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together yourself? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
- Q The next morning? A Yes, sir.
- Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q When it called up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
- Q Could they speak english at all? A Tehee could talk a little, talk some.
- Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that, it was generally when the case was submitted th attorneys would go out. The parties would go out and they would determine the case.
- Q Well, did they go out i to that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
- Q And was the decision rendered that morning in their favor? A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
- Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
- Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundrd dollars more.
- Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Just submitted it on the testimony? A Yea, sir.
- MR. MCKENNON:**
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 1885.

Q How long have you been practicing law in the Cherokee Nation?

A I think since '68.

Q You have done a great deal of citizenship business haven't you?

A Yes, sir.

Q Were you in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.

Q Were you convicted there? A Yes, sir; I was convicted there on the very case.

Q And served a term of what length? A I was sent to the jail and stayed in about 38 or 39 days, and I was released.

Q When was that? A I don't remember how long ago it has been.

Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.

Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the rail for fraudulent purposes.

Q Sending out propositions and obtaining case for citizenship for people in the Cherokee Nation? A No, sir, it was for answering correspondence.

Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.

Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the rail for fraudulent purposes.

Q The use of the rails for fraudulent purposes not in connection of this case was it? A Not particular of this case.

Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.

Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.

Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.

Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.

Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.

Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.

Q He had no power to compel you to make a statement? A No, sir.

Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.

Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.



Q You know when you gave him that indication that you would be brought on the stand as a witness, did you not, by reason of that?  
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.

Q You thought you would not be compelled to answer?  
A I didn't think the law would compel me to make a statement.  
Q Why not did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.

Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him that you told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you? A No, sir; I said to him this, I says that if there is not something done that I will likely be summoned against you and Mr. Shoemaker both.

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.

Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you on one instance, but if a little more money was put up you could not be required to make a statement; is that that you mean? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.

Q If he would put up you would not testify? A That they could not force me to testify.

Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Sid Graham; "you people are on the doubtful list and if you will give us \$400. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on"? A No, sir; I got a letter from Sid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked. he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.

Q You did not say to him then what I have embraced in that question there? A No, sir.

Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.

Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and to have the Dawsons and it will go hard with you and you will not it?" No, sir; I says to Mr. Shoemaker, I says: "who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "it might have been an advantage to you if you had retained me in your father's case." Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I want if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter -- I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him--I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it won't make any difference or so other to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was making you to make would not be used?

A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

- Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
- Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Barsons? A I was not in the Court house.
- Q You were present in Tahlequah? A Yes, sir.
- Q How long had you been at Tahlequah? A I was living there at that time.
- Q When were you first employed by them? A By Dawson?
- Q Yes, sir. A The evening before the case was tried.
- Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.
- Q And told you to hand to Duncan? A No, sir.
- Q What was your statement? A That he paid me \$20 and says "I will send you some more in a short time, week or so.
- Q And then he sent you \$100? A Yes, sir.
- Q And wrote you to give D. W. C. Duncan \$50 of it? A Yes, sir.
- Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.
- Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.
- Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "Have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being \$50 or \$100--I went to Stapler's and got him to cash the check and give him his part of it.
- Q How much did they pay you for your services? A That is all I got.
- Q How much? A I think it was \$100, \$120.
- Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
- Q Submitted it without remarks? A Yes, sir.
- Q And for that you say they paid you \$120? A Yes, sir; \$120.
- Q Was Houston Henge present when that was done? A No, sir; I don't think he was.
- Q Did you see him then at that time in Tahlequah? A I don't remember.
- Q Were you associated with him in any manner in connection with the case? A No, sir.
- Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
- Q Were you paid like fees in other cases for like services? A Yes, sir.
- Q In many of them? A Yes, sir, good many.
- Q All like cases? A Oh, citizenship cases.
- Q Then was it you were in jail at Fort Smith? A I don't remember; Mr. Bellotte can remember, he was there, he was my attorney.
- Q Was it about 1887? A It was somewhere along there, along in 1890 somewhere.
- Q That has been your principal business as a lawyer, has it not? A Yes, sir.
- Q You have never practiced such in any other way have you? A Very little.
- Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$50 a family for doing that? A Yes, sir.

Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoerake case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be rode or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoerake case?

A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKENNON:

Q Now, have you a license to practice in the United States Courts?

A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Arton.

Q How old are you? A 73 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawson? A I know old man James Dawson.

Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.

Q How long have you known him? A Well, some four or five years.

I. Quor.

Q How long? A Four or five years I think.



Q When did you come to the country? A I have been in the country 70 or 75 years.

Q Well, when did you come to the country, do you know? A Along about somewhere in sight if I recollect right, might have been later than that.

Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how long became a citizen of the Cherokee Nation, about the circumstances? A To, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

1. E. MCKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distances.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows in part of the Cherokee National  
1. R. WITCHES:

Q State your name? A J. L. Clinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 36.

Q Were you ever an applicant for citizenship before the Federal citizenship Court in Muskogee? A Yes, sir.

Q About what time was that? A September '01, I think.

Q Did you meet there about that time, one Albert or Buck Davenport?

A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Shroyer.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

A Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?

A Well, we were there on the same business and we talked about it at different times, all in talking about the evidence we had there. I, of course, told him how many witnesses I had and what I could prove and so on, and he said that he didn't have any witnesses, Dr. Baker from Arkansas, I think, but one 65 or 70 years old, he said, and he hadn't own and said he was to have set his horse but he hadn't own.

Q Well, what did he say about the master's hearing evidence?

A Well, he said he was 55 or 60 years old and didn't have anything to say.

Q Well, did he say anything about the master's hearing evidence?

A Well, he said he could not say anything about the evidence and he would mean that that was all.



Q Well, he was talking about money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money would do more than go down in Texas and he said "I want to get the best of the land" and he says "I found out it goes here," or words to that effect.

Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.

Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.

Q Well, where did he go for there? A He and I left there together; he took to Loupree by way of Fort Gibson and there we parted.

Q Did you ever see him after that? A I saw him about two years or something like that afterwards.

Q Where? A Vinita.

Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.

Q Was he deformed in any way this man? A He had a crippled hand or stiff fingers; I don't remember just what it was now.

W. H. HICKMAN:

Q Your first conversation with him was in '01 was it? A Yes, sir.

Q That time in '01? A September.

Q You were not an applicant for citizenship? A Yes, sir.

Q Were you still in? A No, sir.

Q You are still an applicant? A No, sir.

Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.

Q What business are you in now? A I am running a dairy in Vinita.

Q When did you make statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.

Q How did they ever know that you had had these conversations with Mr. Baker? A I don't know.

Q You don't know how they found that out? A No, sir.

Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.

Q Now, did you approach him or did he approach you? A He approached me.

Q You know any? A No, sir; I suppose somebody I have told somebody at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.

Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did go; he said he was 85 or 90 years old; he said he didn't have strength fit us; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.

Q Now, he said that didn't he? A Yes, sir.

Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.

Q You say you met Sam Dawson at Vinita? A Yes, sir.

Q How long afterwards was that? A About two years, I think something near that.

Q Did he go to the Seminoles? A Yes, sir; he lived at Vinita at one time.

- Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
- Q Do you run a dairy wagon there? A No, sir.
- Q You serve on the jury a good deal? A I have been serving on the petit jury there this winter.
- Q Generally? No, sir.
- Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUERT, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HUTCHINOS:

- Q State your name? A C. G. Braught.
- Q What is your age? A 33 34th day of last January.
- Q What is your post office? A Fairland.
- Q How long have you been living in the neighborhood of Fairland? A Been living there 19 years.
- Q Do you know one Bud Dawson or F. H. Dawson as his name is? A I do.
- Q How long have you known him? A About 13 years.
- Q How close do you live from him? A Half a mile of him.
- Q Does he still own that place? A I think he does.
- Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
- Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
- Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the facts that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.
- Q Did he state the name of that witness? A No, he did not.
- Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
- Q Do you know what time of the year that was, whether it was in the summer or not? A I think it was in June.
- Q Did he make any other statements to you at any other time? A No, sir, I don't think he has in regards to that matter.
- Q You have been living neighbors with him? A Yes, sir.
- MR. McKENNON:
- Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
- Q You were an applicant; were you admitted? A No, sir.
- Q Have you been admitted? A No, sir.
- Q You are still an applicant? A Yes, sir.
- Q Still trying to get in? A Yes, sir.
- Q Where was this conversation had? A Had at Bud Dawson's house.
- Q What part of the premises? that is, in his residence? A Yes, sir.
- Q In the house? A Yes, sir.
- Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
- Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
- Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.  
Q He and you are enemies are you not? A No, I don't think we are enemies.  
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.  
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.  
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.  
Q And you say that you are not on bad terms with him?  
A Why we speak, have conversation, have right right along all the time.  
Q Is it not a fact now that you and he have been all the while at odds? A No, sir.  
Q You don't have any unkind feeling towards him? A No, sir.  
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 9:30 o'clock to-morrow morning.)

March 19, 1902.

Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of Counsel for Applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. MCKENNON:

Q Mr. Braugh, you were a claimant under the Watts family are you not? A Yes, sir.  
(witness excused,)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.  
Q What is your post office? A Dawson now.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.  
Q Recognized as such are you? A Yes, sir.  
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewhere between 44 and 45 years old.  
Q Were you personally acquainted with one Elbert or Buck Dawson?  
A I knew Buck Dawson when I saw him.  
Q Did you know him in the state of Texas, if so state what time?  
A I knew Buck Dawson, knew him and saw him at different places in Texas.  
Q Well, in the year '81 in Clay County, Texas, did you ever see him?  
A It was in '81 or '82, I think I knew him in both years.  
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Plippen and Joe Plaston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and I were talking in regard to grass down there here & he was talking

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating by grass."

Q What did he say about making application? A He said he was going to the Chickasaw Nation and press up and get him some grass.

Q Who was that? A Buck Dawson.

Q Well, did anybody suggest about his going to the Cherokee Nation?

A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."

Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punches, and Mr. Flipin says "Hell, I am going; brother John is getting ready to go now."

Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hookey Bell was counted the brainiest man in our country."

Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?

A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:

Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Ross County, Texas. M. W. Alberty was my guardian.

Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.

Q About what time? A It was sometime in '80 though.

Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.

Q When? A I think it was in '87 or '88.

Q Haven't you been arrested for crime and charged with crime?

A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.

Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.

MR. HASTINGS, of Counsel for Cherokee Nation:

Q Were you ever convicted? A No, sir.

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. HARRIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name, please? A Thomas B. Harris.

Q What is your post office? A Helix.

Q What is your age? A 49.

Q Are you a Cherokee by blood? A Yes, sir.



Q Did you know one James Dawson? A Well, yes; I did; I have seen him two or three times.

Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puggy Citizenship Court? A Yes, sir; I was there about the time the case was settled.

Q Did you know Aaron Butler? A Yes, sir.

Q Who was he? A He was a Cherokee Interpreter for the Court.

Q Do you know James Smith? A Yes, sir.

Q Who was he? A He was the Nation's attorney before the Court.

Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.

Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.

Q Well, did he say anything about whether he could get his case submitted if he had some more? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.

Q Well, did you let him have the ten dollars? A Yes, sir.

Q Where did they go then? A They walked off up towards town.

Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?

A Yes, best of my recollection that was.

Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.

Q Well, about how old was he, 35, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.

Q Is he living or dead? A I don't know.

Q Where have you been living? A I have been living down here near Tahlequah.

Q What was the man's name, Dawson's name? A Jim Dawson I think.

Q You are certain of that? A Yes, sir; I'm pretty certain.

Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.

Q Dawson took you off to one side? A Butler took me to where Dawson was and just advised me to Dawson and vouched for Dawson being all right for the money.

Q When did you first make a statement of this matter to anybody?

A I guess—I don't remember when.

Q How long have you been in Muskogee this time?

A I have been here since, I was summoned here last Friday.

Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.

Q Where? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.

Q Were you born a citizen? A Yes, sir.

Q You weren't admitted to citizenship by the Courts or Council?

A No, sir.

Q You have been living in the Cherokee Nation all your life?

A Well, I was born and raised here; I haven't been here all the time; I have been out and in.



Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what?

A None but the Cherokees, the full-bloods called him Joe Aney.

Q What does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know;

he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lanier, she was first a Mrs. Nicholson and she became a Mrs. Lanier and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.

Q The Dawson name was talked of here for many years, they claiming kin?

A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a sister or half sister by the name of Annie, Anne or Alany? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SARAH TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Sarah Tolliver Dawson.

Q What relation are you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.

Q Who was your father? A Samuel Riley Dawson.

Q What did you say your father's name was? A Mile Dawson.

Q Do you know what his full name was? A Samuel Riley Dawson.

Q What children had your father? A Why, he has got, you mean his first children or his whole family?

Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.

Q Just one or two of them I care for; is Mrs. Lewis your sister?

A Yes, sir.

Q Your full sister? A Yes, sir.

Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.

Q How was she the parents of your father, Samuel Dawson?

A Why Sam Dawson was his father.

Q Sam Dawson was his father? A Yes, sir.

Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.

Q What was her given name? A Annie.

Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.

Q Saw him? A Yes, sir.

Q Do you know about how old he was when he died? A He was somewhere up about 90.

Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.

Q Was your father his youngest child? A Yes, sir.

Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.

Q He died in about '90 and was about 67 years old when he died?

A Yes, sir.

Q And he was the youngest child? A Yes, sir.

Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.

Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?

A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.

Q Well, what did he say about it? A I have heard him say his mother was not an Indian.

Q Did you father come here and apply once for citizenship?

A Yes, sir.

Q Was he admitted? A I think not.

Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.

Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKernon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by stenographer E. D. Green)

I, J. O. Rossen, 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 his stenographic notes thereof.

(Signed) J. O. Rossen.

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(Continued from testimony taken by Steno. J. O. Rossen.)

March 10th, 1908, at Muskogee, I. T.

Appearances:

Mr. A. S. McKennon and Mr. Hellette, attorneys for the applicants.

Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A Emma Brashiers.  
Q What was your maiden name? A Emma Dawson.  
Q What was your father's name? A Samuel Riley Dawson.  
Q What was his father's name? A Samuel.  
Q What was your grandfather's name? So far as you know from family history? A Her maiden name was Annie Pruett.  
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.  
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.  
Q And had a sister named Mrs. Petty? A Yes, sir.  
Q And another one named Mrs. McGee? A Yes, sir.  
Q And another brother named John? A Yes, sir.  
Q What relation are you to Mrs. A. S. Lewis? A Sister.  
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.  
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.  
Q About how old were you you suppose when your grandfather died?  
A About 6.  
Q Was your father's birth recorded in the family Bible? A Yes, sir.  
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.  
Q What became of it? A Got burned.  
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.  
Q In 1823? A Yes, sir.  
Q And how old was he when he died, if you recollect? A He was between 64 and '7.  
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians?  
A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A. Yes, sir.

BY MR. MCKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q. State your name? A. Alex S. Lewis.

Q. What is your post-office? A. Dawson, Indian Territory.

Q. How old are? A. 59 years.

Q. What was your wife's maiden name? A. Elizabeth Paralee Dawson.

Q. Who was your wife's father and mother? A. Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?

Q. Well, if you know the maiden name of your wife's mother, state how you know it? A. Well she was called Margaret, Margaret Queen was her maiden name.

Q. The maiden name now of your wife's father's mother? A. Why the maiden name of my wife's father's mother?

Q. Yes, sir? A. From what her husband and my father-in-law told me it was Annie Pruett.

Q. What was the name of your wife's father's father? A. My wife's grandfather on her father's side, Samuel Dawson.

Q. And his wife's maiden name was Annie Pruett? A. Yes, sir.

Q. Did you know the old gentleman, Samuel Dawson, your wife's grandfather? A. Yes, sir.

Q. Personally? A. Yes, sir.

Q. What opportunities had you to get acquainted with him? A. He lived with his youngest son, my father-in-law, and frequently, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and he visited very often.

Q. When did he die? A. '74.

Q. Have you any particular method of recalling that date? A. Well, I was away from the house when he was taken sick, and they went for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.

Q. And when was your first child born? A. He was born December, '73.

Q. You know how old your wife's father was when he died? A. Why he was up in 60, but I don't remember his age.

Q. Did the old original Samuel Dawson ever tell you his age? A. Yes, sir, several times.

Q. How old was he at the time of his death? A. He was past 84.

Q. Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A. Told me she only had one brother named Bob Pruett.

Q. Have any of the members of the family named their children after him? A. Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his, - oldest child for his brother-in-law who was a particular favorite of his grandfather; he called it for him I understood.

Q. Now, what is his name? A. Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understood it was on account of his grandfather thinking so much of Robert Pruett.

Q. Did you ever hear the old Samuel Dawson speak of his brother-in-law? A. Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long



time; didn't know where he was, or whether he was alive or not.

Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?

Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.

Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the eldest boy was John Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.

Q And John Dawson was the oldest boy? A Yes, sir.

Q And Samuel R. Dawson was the youngest boy? A Yes, sir.

Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.

Q What was that? A They said he was born in 1811.

Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.

Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.

Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.

Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.

Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.

Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. MCKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.

Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say

as to the date.

Q Before the Cherokee authorities? A Yes, sir.

Q Did he file an application before the Dawes Commission in 1896 also? A Him.

Q Yes, sir? A I don't think he did, no sir.

Q Did you? A I did.

Q On account of your wife? A Yes, sir.

Q Did you make affidavit to that application? A No, sir.

Q Who did? A I don't know, don't remember now.

Q You applied for your wife as an Indian by blood did you not?

A Yes, sir.

Q Are you still an applicant? A No, sir.

Q Is she? A No, sir.

Q She was denied was she? A Yes, sir.

Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.



- Q Have you ever been arrested for any crime? A Yes, sir.  
Q What? A Charge of murder.  
Q Anything else? A No, sir.  
Q Committed on the train? A Yes, sir.  
Q In a train robbery? A Yes, sir, in a train robbery.  
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.  
Q That all the crime you were ever charged with? A Yes, sir.  
Q Haven't you been having some trouble with the Dawson family?  
A Well personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.  
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.  
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A B. W. Alberty.  
Q What is your post-office? A Tahlequah.  
Q What is your present official position in the Cherokee Nation?  
A Assistant Executive Secretary of the Cherokee Nation.  
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.  
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.  
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)  
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Francis, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. MCKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No. 108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."  
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19th, 1883.

No. 100 Robert Dawson, "et al."

vs.

Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words,) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on mother's side, she was frequently at my mother's house; though she Anna Pruet lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, when I was little she called her daughter Polly Rogers said Capt. John Rogers who came on a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Jones Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiwassee River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?

Ans. 1 Five, I think that's all.

Ques. 2 Did you say something about someone being married twice?

Ans. 2 The claimant was married twice.

Ques. 3 Could Anna Pruet speak Cherokee?

Ans. 3 Yes she could speak it well

Ques. 4 Did Polly Rogers speak Cherokee?

Ans. 4 She could when she was young.

Ques. 5 How far did you live from Anna Pruet?

Ans. 5 Just across the river about 3/4 of a mile.

Ques. 6 Was Calhoun in the Cherokee Nation?

Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7. Which language was it went to Texas?

Ans. 7. George went first then John went they were the sons of old man Harnage that lived up here near the line.

Ques. 8. Did the claimant go to Texas?

Ans. 8. No the claimant didn't go to Texas.

Ques. 9. What connection was claimant and Polly Rogers?

Ans. 9. The claimant is the son of Polly Rogers Marion here is the daughter of Polly Rogers.

Ques. 10. Where does claimant now live?

Ans. 10. He lives in Carroll County, Arkansas.

Ques. 11. Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Cooweescoowee?

Ans. 11. I am related kin but what kin I don't know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.

Ques. 12. Was Anna Priest the maiden name of Claimant's grandmother?

Ans. 12. Yes that was her maiden name the Indians called her since  
his

(signed) Arthur. A. x Baker.  
Mark

Witness' hand paralyzed in the reason he signs by a mark thus "x".

The above document is endorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt, Decided by the Texas Court in 1883. A. Riley Dawson's Step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope N. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.  
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:

"No. 181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept. 13, to be Cherokee."

The contents of said envelope are as follows:

"Office of Commission on Citizenship.

Talleguah, Cherokee Nation, Sept. 14, 1883.

F. Dawson,  
No. 181. vs for his grand children,-  
Lulu Dauthett,  
Dallas Dauthett,

F. M. Dawson for claimant introduced sworn and in open Court testified as follows:

My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 39 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old -- She has been dead about 4 years as well as I can recollect. She was about 17 years old when she was married.

(signed) F. M. Dawson,  
Mark

Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, Sept. 14, 1903.  
No. 181 E. Dawson  
for his grand children  
Lulu Dauthett  
Dallas Dauthett

Joseph Dawson introduced for claimants, sworn in open Court testified as follows:

Joe. Dawson, an a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I wa always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lulu, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.  
By Solicitor:

Lulu is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation. E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Zanie, Bob, Smith, Worth, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

(signed) Joseph Dawson,  
Mark

To the Commission o Citizenship,  
Tahlequah, C. N. Sept. 13, 1903.  
E. Dawson for grandchildren,  
Lulu Dauthet,  
Dallas Dauthett,

vs  
Cherokee Nation.  
Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Lulu Dauthet & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the



Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1893, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(signed) E. Dawson for grand children,  
By C. H. Taylor."

This last document is indorsed on back as follows:  
"No. 181, Petition of Lula, Dauthett & Dallas Douthitt, for  
Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. MCKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,  
Tahlequah, C. N. August 11th, 1897.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Oatoosa,	
	2 Parleo Dawson,	44	female		
307	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. G. Dawson,	31	male		Roller
	6 Elias P. Dawson,	29	"	Applicant for	Bryant.
	7 Tolliver Dawson,	27	"	Cherokee Nation,	
	8 Eva Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	13 Cleveland Dawson,	3		John Rogers	
	— filed August 11th, 1897."				

In red ink written along Age column is the following: "Rejected April 20, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Gillsy Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and who was of Cherokee blood. It is admitted that John Rogers and Gillsy Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 3th, 1886, creating the Commission on Citizenship, was made and in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were readmitted to citizenship by the commission on citizenship obviously under the

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of these Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1888, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Chorokees taken by the United States." As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon eitherof said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Journah Barber nee Journah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,  
Chairman.  
(signed) R. Bunch, Commissioner,  
John E. Gunter, Com'nr.

This April 26th, 1889.  
(signed) D. L. Williams,  
Cl'k Com'n."

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of R. Dawson; also the judgment in said case, found on page 116, in Book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Here, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1837, Docket 982, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889 Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al., ) Office Com. On Citizenship,  
(vs) ) Tahlequah, I. T. Sept. 27th, 1888.  
Cherokees Nation."

E. Dawson, who being duly sworn, used his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Cooweescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Cornell Rogers,  
Clk. Com. on Citizenship."

This document is indexed on back as follows:

"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
	1 James K. P. Dawson,		male		
	2 William A. Dawson,				
	3 Richard A. Dawson,				

909

C. H. Taylor.

vs.

Applicant for  
Cherokee Citizenship,  
Census Rolls 1835  
Ancestor,  
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 26, 1899."

"Adverse to Claimant.

See decision in this case in that of E. H.

Dawson in Book (B) Page 20.

This April 26, 1899.

D. S. Williams,  
Clk Com.

Will P. Ross,  
J. L. Carter, Com.

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 43 years, 1835, to 1852, Roll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Book 1017 Book C Page 144, Testimony on Journal- Page -- Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship: Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1888, creating your Commission, and respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -43 - 51 - 53.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 43 years; Postoffice, Emmet, Chic. Na. family with their relationship attached is as follows:

No	Name	Sex	Age	Relationship.
----	------	-----	-----	---------------

In witness o which application I hereto set my hand on this the 4 day of October 1887.

(signed) Rebecca Dawson,

Boudinot & Rasmus,  
Attorneys."

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind. Ter.  
Tahlequah, August 28th, 1889.

Rebecca Dawson)  
V. S.

Cherokee Nation.) The above case was called and submitted by



Ramus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and are not entitled to citizenship in the Cherokee Nation Post Office East Texas - - I. T.

(signed) WILL P. ROSS,  
Chairman,  
J. E. Gunter, Com.

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No	Names	Age Sex	Post Office Attorney.
1	Rebecca Dawson	48 female	Emmett, I. T.

1017

Boudinot & S.  
Applicant for  
Cherokee Citizenship.

Census Rolls, 1856,  
to 1852.  
Ancestor,  
Noton.

v. S.  
Cherokee Nation.

Office Commission Citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Ramus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to citizenship in the Cherokee Nation.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. E. Gunter, Com.

BY MR. HUTCHINGS: The Nation next introduces the original envelope and contents in the case 102, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145, - said judgment being rendered August 28th, 1889.

BY MR. MCKENZIE: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is introduced on back as follows:

"102, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Road 24, Texas, 1889. In 1883 Hall of 18- Ancestor, Noton, Ind. the case of a ... Book C Page 145. Judgment of Commission ... Decision of Commission Rejected 28th Aug of August 1889. Submitted by Mr. Knows, Aug. 28, 1889."

**"APPLICATION FOR CITIZENSHIP"**

To the Honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day taken this application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1898, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Moton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	13	Son.

In witness of which application I hereunto set my hand on this the 4 day of October 1897.

Mary Dawson,

Rowland & Rogers,  
Attorneys.

**COMMISSION CITIZENSHIP,**

Cherokee Nation, Ind. Terr.,  
Tahlequah, August 22th, 1898.

Mary Dawson,  
vs  
The Cherokee Nation

Application for Cherokee  
Citizenship.

The above named case having been submitted by W. F. Rogers, Attorney for plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 13 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

W. F. Rogers,  
Chairman,  
J. E. Carter, Comr.

Said envelope also contains the following:

**APPLICATION FOR CITIZENSHIP**

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day taken this application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved Dec 8th, 1898, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That James I. P. Dawson is the son of one Riley Dawson who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835. The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his Application shall be truly heard and tried

in accordance with the aforesaid law.  
Age - - years; Post-office - - -; Family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
Willie A. Dawson	Male		Son.
Richard A. Dawson,	"	"	"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,  
C. H. Taylor, Attorney."

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

Mary Dawson,

Office of Commission on Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	16	male		

Boudinot & R.

Applicant for  
Cherokee Citizenship.

Census Rolls 1835 to 1852  
Ancestor

vs.  
Cherokee Nation.

Office Commission on Citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug 26th, 1886.

The above case having been submitted by W. F. Rariss, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.  
Attest:

E. O. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. E. Guntz, Com."

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 38, of Book A, of the records of the Civil (Ind.) Commission of the Cherokee Nation, which said records are now in the custody of the Nation; the judgment is dated April 28th, 1886.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, -- 1835. Roll of 1835, Ancestor, -- Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal -- Page, Decision of Commission, REjected, 28 day of April, 1889. REjected."

The contents of said envelope are as follows:

"To the Commission on Citizenship,  
Tahlequah, I. T.,  
January 27, 1887.

	Age		
Andrew J. Dawson,	44 years	Male	
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessie K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.  
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to citizenship by the Territorial Court on Citizenship, which is a matter of record, we submit that as proof of the justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,  
Post-office, (signed) A. J. Dawson &  
Nevada, Mo. five children,  
by G. H. Taylor,  
Attorney."

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,  
Office Commission Citizenship,  
Tahlequah, C. N., Feb'y 11, 1887.

Docket No	Name	Age	Sex	
	Family			
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
2	E. E. Dawson,	16	"	"
37	3 Olive M. Dawson,	14	female	"
	4 William H. Dawson,	11	Male	Applicants for
	5 Jessie K. Dawson,	9	"	Cherokee citizenship,
	6 Glennie D. Dawson,	8	female	G. H. Taylor.

Rolls 1835.

Rejected April 26, 1889, (red ink.)

V.S.  
Cherokee Nation.



Ancestors,

Filed Feby 11, 1887.

Adverse.

See decision in this case in that of L. R. Dawson,  
Book P.20.  
rendered April 26- 1889.

D. S. Williams,  
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records  
in the case of t is same Andrew J. Dawson, before the  
Commission to the Five Civilized Tribes, filed September 7th,  
1896, and t e judgment of the Commission thereon. Number of  
said case being 4,694. And the judgment of said case on Page  
234, Book B., Daves Commission Record, 1896. Judgment was  
rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because  
the same is immaterial, irr levant and incompetent.

The records just introduced, being those filed before  
Daves Commission, 1896, in Andrew J. Dawson, et al., are as  
follows:

Registry Receipt,  
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter.,  
Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed  
to S. H. Hayes, Tahlequah, I. T., (signed) D. A. Fryser,  
L.-P. M.

"Commission to the Five Civilized Tribes,  
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor  
may be secured as follows: If convenient get his receipt to  
file with your papers. If you cannot do this, register to him,  
and have some interested person to make affidavit in form  
about as follows:

I, S. M. Davidson, do solemnly swear that on the 7th day  
of September, 1896, I saw a package registered at the Post  
office at Vinita, Indian Territory, addressed to Hon. S. H.  
Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that  
registry receipt no.409, received from postmaster, hereto  
attached, is a receipt for said package, which contained true  
copies of the application of Andrew J. Dawson, and of the  
affidavits of E. Dawson and P. H. Dawson in support of same.  
(signed) S. M. Davidson.

Subscribed and sworn to before me, on this 7th day of September,  
1896,  
(seal)

(signed) W. H. Koraegar.

Notary Public, First Judicial Division,  
of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly accepted for by the Chiefs and Governors.

xxx \_\_\_\_\_  
For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank O. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson, ~~William H. T. Dawson Jesse K. B.~~ (Line in ink drawn through these names) for and on behalf of Minnie E. T. Dawson, Olive Naud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokee by blood, taken in the years 1817, 1818, 1819 and 1835 & 1836 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,  
Andrew J. Dawson,

Enrollment of family, with relationship attached, as follows:		
Names.	Age.	Relationship.
Minnie E. T. Dawson,	25	Daughter,
Olive Naud Dawson,	23	Daughter,
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son,
Glen Dale Dawson,	16	daughter,
James K. P. Dawson,	17	brother,
William A. Dawson,	18	Nephew.
Maggie E. Dawson,	8	Niece.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	0	Niece.

IN WITNESS WHEREOF, I hereunto set my hand this third day of October 1896.

(signed) Andrew J. Dawson.

Joint on back of follows:

United States of America,  
Indian Territory,  
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,  
Notary Public.

(Seal)  
My Commission expires June 8" 1899.

Indian Territory, )  
Northern Judicial Dis- (SS.  
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Waxahatchie river while migrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his grandfather and grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 60, an act of Nov. 17" 1843, page 96. also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, F. H. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3" day of September A. D. 1896.

(signed) J. A. Tillotson,  
Notary Public.

(Seal)  
My Commission expires June 8" 1899."

Indian Territory, )  
Judicial Dist. } S.S.

F. H. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

(signed) E. L. Dawson  
his mark

Subscribed and sworn to before me this the 4th day of Sept 1896.

(signed) Frank L. Sharp  
Notary Public. (Seal)

Ind Ter  
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.  
Subscribed and sworn to before me this 4th day of Sept 1896.  
(signed) J. Harricklaw,  
Notary Public,

My commission expires June 8, 1899.

(Seal)

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896. A. S. McKennon, Com'r."

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners.  
In the matter of the application of  
Andrew J. Dawson, Nation's No.....  
Commission's No.....

for citizenship in the Cherokee Nation.

Your respondent, S. H. Myyes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

- 1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.
- 2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, . . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the antedated rolls of said nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof,



See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mays, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Moudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this 5th of Oct 1896.

(signed) D. J. Ball,  
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679. Commission's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. E. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."  
Which envelope is inclosed in jacket, marked "No. 4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et al., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of W. C. Rogers and Sarah Carter as set forth in this case.

BY MR. MCKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof herewith filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas H. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joseph Barber, for and on behalf of himself and heirs, this day makes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, F. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,  
(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

Names	Age	Relationship.
Joannah Barber,	60	Daughter of Elizabeth or Betsy
Isaac J. " Husband	65	Petty, ne Dawson, who was a
Onie E. "	26	daughter of Polly Dawson, nee
" W. R. "	24	Rogers who was a daughter of
James E. "	18	Capt Jno Rogers and Ailey Rogers
Johnny "	6	nee Vann a Cherokee Indian by
Joel A. Barber	30	blood as is shown by proof here- with filed.

In witness whereof I hereto set my hand on this 6 day of August 1896.

(signed) Joannah Barber."

Indorsed as follows: "Pa 2,50 No.... Petition of Joannah Barber for a d on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My father's name was John Petty. My mother's name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature Joannah Barber.

INDIAN TERRITORY, }  
FIRST JUDICIAL DIVIS }  
88

Now on this 6 day of Aug personally appeared before me W. J. Wattle a Notary Public in and for the said Territory, Joannah Barber, who being duly sworn upon his oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before on this 6 day of August 1896.

(signed) W. J. Watts,  
Notary Public.

(Seal)

\*(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty to Cherokee Indian citizenship in the Cherokee Nation, Indian Territory.

Affidavit of S. R. Dawson.

Delaware District,  
Cherokee Nation,  
First Judicial Division,  
U.S. Court, Indian Territory. } SS

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joannah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joannah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsay Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal) (signed) S. R. Dawson.

Subscribed & Sworn to before July 6 1893

(signed) T. P. Hubbard,  
Notary Public.

United States of America,  
Indian Territory, (Seal)  
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the Judicial Division aforementioned, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as presented to me at Tallapoosa, Ind. Terr., this the third day of July A.D. 1893.

(signed) William F. Rasmus,  
Notary Public, First Judicial Division, Indian Territory.  
(Seal) My Commission expires Feb'y 3, 1897.

(1 copy)

In the matter of the claim of Joannah Barber (nee Joannah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation,  
Ind. Ter.

Affidavit of E. Dawson,  
Cooke County District,  
Cherokee Nation,  
First Judicial Division,  
U. S. Court, Ind. Ter.

as

E. Dawson, so well known to be reliable  
and responsible after being duly sworn according to law states  
on oath that he is a Bonified citizen of the Cherokee Nation  
by blood; that he is a resident in said Nation that his post  
office address is Talala, Ind. Ter. that he is 58 years of age-  
that he is well acquainted with the claimant Joannah Barber and  
has been as long as he has known any person- that she is a  
person of Cherokee Indian descent the her maiden name was  
Joannah Petty- that she was the daughter of one Elizabeth  
Petty, a woman of Cherokee Indian descent- that Elizabeth  
Petty's maiden name was Elizabeth Dawson- that said Elizabeth  
Dawson was the daughter of one Polly Rogers a woman of  
Cherokee descent, who intermarried with Samuel Dawson, a white  
man, that the said Polly Rogers was the daughter of Captain  
John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the  
result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febry 1897

(signed) A. B. Williams,

Notary Public.

(Express of  
National Seal  
here.)

Com. Exps. Sept. 26/96.

United States of America,  
Indian Territory, SS  
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the  
First Judicial Division, Indian Territory, do hereby certify  
that the text above and the within one page of an affidavit  
is a true and literal copy of the original presented to me at  
Tahlequah, Ind. Ter. this the third day of July A.D. 1897.

(signed) Wm. F. Rasmus.

(Seal) Notary Public, First Judicial Division: Indian Terri-  
tory, My Commission expires Febry 3, 1897.)

United States of America,  
Western District of Arkansas, SS.

In the case of one Joannah Barber claimant for citizenship  
in the Cherokee Nation, Indian Territory, as a Cherokee Indian  
by blood, before Cherokee Indian authority at Tahlequah,  
Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus,  
Commissioner U. S. Court within and for the District  
and I caused to be administered to the said  
said Joannah Barber to be reliable and credible  
and she has first duly sworn according to law.



and says: My name is W. A. Dawson, my age is 58; my residence is Post-office address Tulsa, Ind. Terr. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joannah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father, James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joannah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(Signed) W. A. Dawson.

Subscribed and sworn to before me at Taliequah, Ind. Terr. this third day of December A.D. 1894.

(Signed) W. T. Rasmus,  
United States Commissioner.

(seal)

UNITED STATES OF AMERICA.  
Western District of Arkansas. ) ss

In the case of Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Taliequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner of the U. S. Dist. Court within and for the District of Arkansas, duly authorized to administer oaths Francis H. Dawson, is a man personally well known to be reputable and entitled to - - - and who - - - duly sworn according to law deposes and says: My name is Francis H. Dawson my age is about 57 years, my post-office address is Arden, Ind. Terr. I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joannah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joannah Barber as a first cousin- and I know that the said Joannah Barber therefore is of Cherokee Indian blood.

(Signed) F. H. Dawson.

Subscribed and sworn to before me at Taliequah, Ind. Terr. this 15th day of November A.D. 1894.

(Signed) W. T. Rasmus,  
United States Commissioner.

(seal)

Indorsed on back as follows: "No. 1 filed Feb 26 1897,  
J. A. Winston, Clerk."

"Page 20, Docket 'B'"

Joannah Barber.

Office Commission on Citizenship,

Tahlequah, C. N. August, 1887.

Docket No.	Names	Age.	Sex.	Post Office.	Atty.
1.	Joannah Barber	51	female	Vinita, I. T.	
2	Alicy J. Barber	34	female		
3	Irena Barber	24	female		
4	Erna Barber	22	female		
5	Atta Barber	20	female		
6	Marv Barber	13	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolla 1835	
9	Galaway Barber	27	male		
10	Tolliver Barber	20	male	Ancaster	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		

V.S.  
Filed Aug. 13, 1887.

John Rogers &  
Alicy Pruet

See decision this case in that of L. R. Dawson,  
adverse to claimant in this Book page 20.  
This April 26th, 1889.

D. S. Williams,  
Clerk com.

Will. P. Ross, Chairman,  
J. E. Gunter, Com.

"S. R. Dawson.

Office Commission on Citizenship,

Tahlequah, C. N. Aug. 11th, 1887.

Docket No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	55		Catoosa, I. T.	
2	Parles Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J.	35	female		
5	J. O. Dawson,	31	male		
6	Elias P. Dawson,	29	male		
7	Tolliver Dawson,	27	male	Applicant for	
8	Erna Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson,	11	male		
11	Robt. W. Dawson,	8	male	R	
12	Clara Dawson,	7	female		
13	Cleveland Dawson,	3		Ancaster	

Filed Aug. 11, 1887. John Rogers  
Rejected April 26, 1889.

Now this day comes the above case by final hearing,  
Samuel R. Dawson bases his application for re-admission to  
Citizenship in the Cherokee Nation upon the ground that he is  
the son of Samuel Dawson, a white man, Polly Rogers, the alleged  
daughter of Captain John Rogers, and Childer Rogers, said to  
be half sister of Joseph Van Hook and known as  
who were of Cherokee blood. It is admitted that John Rogers

Gilsey Pruett died before the rolls upon which their names would appear if living at the time, and specified in the 7th Section of the Act of December 8th, 1886, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship commonly known as the "Tolsee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the affidavits upon which determined the decisions of those commissions as the testimony now introduced to authorize the admission of the present applicant is not relevant in the issue now pending. The 7th Section of the Act of December 8th, 1886, before named provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States, as are hereafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James H. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,  
 F. Bunch, Commissioner,  
 John N. Gunter, Commissioner.

This April 26th, 1889,  
 D. S. Williams, Clerk Com."

United States of America, )  
 Indian Territory, (ss.  
 Northern District. )

F. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skia-Stock, Ind. Ter. that he was born and raised in the above said Nation and Territory; that he is 46 years of age;

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiant's grandfather lived at Grand Saline, I. T., and died in Washington, D. C.

This affiant states that his father Charlie Rogers had one sister and five brothers viz, Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Samuel Rogers and Randolph Rogers; that he (this affiant) was well and prominently acquainted with the above said persons except Grand and Randolph Rogers, who were killed when this affiant was quite young.

This affidavit states that he was 24 years of age, when his father, Charlie Rogers died, that his father never had any other family (like in the census records were Cary ybra was or sisters than the ones I've mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. Rogers, was not a sister of his father; that his father never had but one sister viz. Cynthia Rogers that this affiant never heard of; that this affiant was well acquainted with his aunt Cynthia Crump-

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF  
CHEROKEE NATION, I, John L. Adair, Executive  
Secretary of the Cherokee Nation, do hereby certify that I  
have compared the foregoing with the original record in this  
Department, and that the same are correct copies and transcripts  
therefrom.

In witness whereof I have caused to be signed and  
affixed the Great Seal of said Cherokee Nation, at Tahlequah,  
this, the 5th day of Feb. 1896.

(Seal) (Signed) John L. Adair,  
Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for  
a number of years prior to her death.

Affiant states that he has often talked with his father,  
Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about  
his relatives; that they never spoke of any other sisters in  
their family; that his affiant was about 10 years of age when  
his aunt, Cynthia Crump died; that they told him (here Rogers was  
(words "never was" marked over with ink) father never had any  
other daughter or daughter other than Cynthia Rogers.

Affiant states that his father told him a number of times,  
that this affiant's grandfather Capt John Rogers never had any  
other family other than the one above mentioned; that this  
affiant never heard his father Charlie Rogers or any of his  
relatives speak of his grandfather Capt John Rogers owning or  
running a boat up any river.

Affiant states his father Charlie Rogers was born on  
Big Mulberry, South-east of Van Buren, Arkansas, in the year  
of 1817.

Further affiant saith not.

Subscribed and sworn to before me on this 1st day of  
October, 1896.

(Signed) William H. Hall,  
Notary Public,

(Seal) My commission expires January 16th, 1900."

United States of America,  
Indian Territory, }  
Northwestern District. } SS

Mrs. Sarah Carter born first day of  
states: that she is a citizen and resident of the Cherokee  
Nation, Ind. Terr. and her post office address is P. O. No. 1,  
that she is 45 years of age.



Affiant states that she is the daughter of Charlie Rogers and that her grand father on her father's side was Capt. John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing Affidavit of W. C. Rogers, and knows the contents thereof: that the facts therein set forth are true as she verily believes.

(signed) Sarah Carter.

Subscribed and sworn to before me this 1st day of October, 1890.

William H. Hall,  
Notary Public,

My Commission expires January 1st 1890.  
(seal)

Before the Honorable Henry L. Dives, Frank C. Armstrong, A. S. McKenion, T. B. - (name torn off) A. B. Montgomery, Commissioners.

In the matter of the Application of  
Joannah Barber  
at al-  
for citizenship in the Cherokee Nation. Nation's No. 1573  
Commissioner's No...

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, comes now to demand the said application, and for its removal thereof a yes

1st. That the Commission has no jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the above said grounds, but insisting upon the same for reason to said application, says that John Rogers, through whom the petitioner claims to derive their right to citizenship in the Cherokee Nation, is now now and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory and removal located and defined that his name does not appear upon any of the unduplicated rolls of said Nation; that neither the mother of said Rogers nor father of said Rogers resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Having fully answered your respondent asks to be dismissed.

S. H. Hayes, Principal Chief Cherokee Nation.

W. Hutchinson, Hastings & Bradinet, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been fully sworn, states that the contents of the foregoing and same are true, to the best of his knowledge and belief.

(signed) John L. Adair.

Subscribed and sworn to before me this 1st day of Dec. 1890.

(signed) W. J. Hall,  
Notary Public.

(seal)

Indorsement back as follows: "1874 96 No. 1017 No. 1577, Commission's No. .... In an application of No 2 Joanna Barber Demurrer and Answer Filed Mar 13 1897 Jas. A. Winston, Clerk/ Filed Oct 7 1896 H. W. Jackson, Secy."

"PIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

fully appointed and empowered to Act, authorized by virtue of the Act of Congress of June 4<sup>th</sup> 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:  
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Chris B. Barber, William R. Barber, James E. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Toliver Barber, George A. Barber, Frank O. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Inez Barber.

In the matter of the application for citizenship in the Cherokee Nation of Eira L. Murphy and her child, to-wit: Claude E. Murphy.

In the matter of the application for citizenship in the Cherokee Nation of Eira Moore and her children, to-wit: Anna J. Moore, Jackson B. Moore, Elsie Moore and Gladys Moore.

In the matter of the application for citizenship in the Cherokee Nation of Attie L. Hunt and her child, to-wit: Herman Hunt.

In the matter of the application for citizenship in the Cherokee Nation of Aloy J. Smart and her children, to-wit: Georgia A. Smart and Ethel J. Smart.

In the matter of the application for citizenship in the Cherokee Nation of Joannah J. Carlinghouse and her children, to-wit: Myrtle C. Carlinghouse, Corp L. Carlinghouse and Martha H. Carlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the claims of the aforesaid claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Barber, is a daughter of Elizabeth Patsy, nee Rogers, and a granddaughter of Polly Dawson, nee Rogers and a great-granddaughter of both John Rogers, who was a Cherokee Indian by blood, and of the proof herein admitted.

Jool A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Boyer, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Eva Murphy, whose maiden name was Eva Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Eva Moore, whose maiden name was Eva Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Garlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you place the name of each claimant, together with the names of their aforementioned children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Richard C. Garlinghouse  
General for Petitioners

Indorsed on back as follows: "No 3 Filed Feb 24 1897,  
Jns. A. Winston, Clerk."

Commissioners,  
Henry L. Daker, Frank C. Armstrong, Archibald S. McKeen,  
Thomas B. Cabanis, Alexander B. Montgomery--H. M. Jacoby,  
Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,  
Vinita, Indian Territory, Oct 2, 1896.  
Filed Sept. 8, Answer filed,  
Application denied.

Josiah Barber,  
vs.  
Cherokee Nation.

I, H. M. Jacoby, Jr., Secretary, do hereby certify that  
the above and foregoing is a true and correct copy of the  
Report A. page 297 of the Commission to the Five Civilized  
Tribes.

Given under my hand and of legal signature this the 12  
day of Feb. 1897.

H. M. Jacoby, Jr.,  
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897  
Jns. A. Winston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED  
TRIBES.

Josiah Barber et al,  
vs.  
Cherokee Nation.

No. 1864.

AFFIDAVIT FOR APPEAL.

Now come the said Josiah Barber et al applicants for appeal  
made in this case by W. B. White, one of the Justices of the  
said Commission to the United States District Court at Vinita,  
by the Act of Congress approved March 10, 1896,  
and the said W. B. White, being duly sworn and acting  
in behalf of said applicants as a Justice of the said  
Commission, in this case is not aware for the purpose of doing  
justice may be done by appeal.

(Signed) W. B. White.

Sworn and subscribed to before me this 28<sup>th</sup> day of December  
1896.

(Signed) J. C. Lindsey,

Notary Public.

(SEAL)  
Commission organized March 24th 1897.

Indorsed: "Jan 1, 1897"



Received of H. M. Halloway, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of vs - - - Nation, as follows:

Witness my hand and official seal at Washington this 27th day of Feb'y 1897.  
(SEAL) (signed) J. Q. Stanton, Clk.

Indexed: "Court No. 1884, receipt for original papers in the case of Joshua Barber et al vs. Cherokee Nation, Received and filed this ... day of ... 189... Secretary.

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, NORTH RU JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joshua Barber, Chris E. Barber, William R. Barber, James H. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Ella Moore, Attie L. Rust, Aloys J. Smart, APPELLANTS.

CHEROKEE NATION, APPELEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and approved to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to grant upon the aforesaid application for citizenship in the United States of said tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an act of Congress passed and approved June 10th, 1896, and by which decision on the 10th day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the United States, to-wit:

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: the affidavits of E. Dawson, S. H. Dawson, F. A. Dawson, E. M. Dawson.

Said affidavits fully and conclusively establish the fact that said applicants are citizens of the United States by blood and descent, and entitled to citizenship of the Cherokee Nation.

Said affidavits, in effect, state the application of said appellants, made on or about the 10th day of October, 1896, filed with the Secretary of the Dawes Commission, and the consideration and denial thereof.

That a certain copy of said application, together with the no. of said application, was duly filed with the Attorney General of the Cherokee Nation, to-wit: on or about the 10th day of October, 1896.

The errors of the Commission in refusing the said application for citizenship of said appellants are the grounds upon which they petition this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying same during the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and denying the appellants the right of filing a replication to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claim before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a part of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the location of residence, holding that residence in the Cherokee Nation was not a part of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims nor deny the same.

TWELFTH. That the Act of Congress approved June the 10th, 1808, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to appear

at this Court shall plead and defend against the appeal, and show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pary.

(signed)

W. R. Watts,  
A. H. Garland,  
W. J. Watts,

Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 No 5 Joanna Barber et al vs Cherokee Nation filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

"SUITIONS.

United States of America, )  
Indian Territory, ) ss.  
Northern District. )

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Onis E. Barber, Wm R Barber, Jas E Barber, Fennie Barber, Joel A. Barber, Mary A. Barber, Ezra Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation; to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 28th day of Dec. 1896 A.D. 189--

(signed) J. A. Winston, clerk.

(SEAL)\*

"MARSHAL'S RETURN.

I received this summons the 28th day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for the Cherokee Nation under Accepted Service on the within at Muskogee, Ind. Ter on this 12th day of January 1897

(signed) W. R. Watts

~~W. R. Watts~~

By ..... Deputy."

Indorsed on back as follows: "Citizenship Case No. 90  
No. 6.. Nation... Surmons... At vs... Claimants."

Joanna Barber et al.  
vs. No. 90.  
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom this  
case was referred, submit the following report:

"IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,  
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL )

-VS- )

REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION. )

-----000-----

I, H. A. Gibson, Special Master herein, show to the Court  
that under the general order herein, I have examined the  
proof and pleadings herein, which is hereto attached and made  
a part hereof, and what I find as follows:

I

This this cause was instituted on September 3th, 1896,  
before the Dawes Commission to the Five Civilized Tribes, by  
Joanna Barber, and Isaac J. Barber, her husband, and their  
children, Onis E., William E., James E., Joannia and Joel A.  
Barber. That Joel A. Barber has the following children,  
Mattie Toliver, George A., Frankie O., Jess and Ethel Barber.  
That the application includes also Mary A. Jones and her  
child Inez Jones, Emma L. Murphy and her child Clara Murphy,  
Eva Moore and her children Anna J., Jackson D., Mary and  
Glady, Attie L. Hunt and her child Dorcas Hunt, Alsey J. Spart  
and her children Georgia A. and Erzey M. Spart, Joana J.  
Garlinghouse and her children Lyrtle G., Cora L. and Bertha  
H. Garlinghouse. That this application was by the Commission  
tried and rejected on October 29th, 1896, with no reasons  
given for the decision, and that subsequently on December 23,  
1896, the claimants appealed to this Court. That the parties  
all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to  
citizenship in the Cherokee Nation by reason of their  
descent from Polly Rogers, who is claimed to be a Cherokee  
Indian by blood. That they filed in support of their application  
the affidavits of S. B. Dawson, B. Dawson, Francis H. Dawson,  
and F. A. Dawson, who testify that Joanna Barber is the  
daughter of Elizabeth Petty, nee. Lusk, who was the daughter  
of Polly Rogers, who married a white man by the name of  
Samuel Dawson, and that Polly Rogers was the daughter of  
Captain John Rogers and Alsey Vann. That these witnesses  
are all Cherokee citizens by blood, acquainted with the



claimants, and according to their testimony, related to their  
by blood.

The same is introduced to controvert this testimony  
the decision of the Cherokee Commission on Citizenship,  
rendered in the year 1877, in which these claimants were  
rejected by this Commission and also the affidavits of W. C.  
Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter,  
a granddaughter of Captain John Rogers, both of whom state  
that they never heard of any daughter of said Captain John  
Rogers by the name of Polly Rogers, and that Cynthia Rogers  
was his only daughter.

### III

The claimants contend that they are residents of the Cherokee  
Nation, and are relatives of the person buried, who are  
recognized citizens of the Cherokee Nation by blood, and  
entitled to be admitted to the Cherokee Nation as citizens  
by blood, while the appellee contends that John Rogers, through  
whom the petitioners claim, is not now and has not been a  
citizen of the Cherokee Nation since the removal west; that  
his name does not appear on the rolls of the Cherokee Nation,  
and that he nor his ancestors ever resided in the Cherokee  
Nation as citizens thereof.

The premises considered, in view of the unsettled condition  
of affairs in the Cherokee Nation at the time when the late  
John Rogers, the ancestor whose name these claimants bear,  
their Cherokee blood, lived, and especially in view of the  
absence of a marriage in any of records pertaining to  
marriage, I am of the opinion that the claimants are entitled  
at they are descended from said John Rogers, to be admitted  
to the Cherokee Nation, and are accordingly citizens, though  
they do not show that he was ever admitted as such, but I  
therefore find that the claimants are residents of the  
Cherokee Nation, Indian Territory, and that they are all  
Cherokee Indians by blood. It is to be noted that the  
Cherokee Nation since 1837, has had no rolls, and the  
proof does not yet definitely show that they have ever resided.

I am of the opinion that the claimants are entitled to the  
services her in or should have.

Respectfully submitted this 14 day of August, 1907.

(Signed) M. A. Gibson,  
SPECIAL MASTER.

By Fee Paid.

No Exceptions filed.

BY THE COURT.

From this report it appears that the claimants  
claim their right to be admitted as citizens of the Cherokee  
Nation upon the grounds that they are the descendants of a  
Cherokee Indian by blood, and that they are the persons whom  
they claim have never resided in the Cherokee Nation as now  
constituted. It appears that the late John Rogers, the  
Cherokee Indian whose name they bear, was never admitted to the  
proof does not yet definitely show that they have ever resided.  
It is to be noted that the rolls of the Cherokee Nation  
since 1837 have never been published as records of the Cherokee  
Nation.

The judgment of the United States Commission regarding  
this case is affirmed, and the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "90 No. 7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jas A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "90 Joanna Barber et vs Cherokee Nation."

"NOTICE.

1898

UNITED STATES OF AMERICA )	In the United States Court for
INDIAN TERRITORY )	said District.
NORTHERN DISTRICT. )	In the matter of the application
	of Joanna Barber et al to be
	enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber, et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 25 day of Dec. 1898. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk.  
Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 238, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call special attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Mr. Baker in the case of Robert Dawson against the Nation, number 108, before the Citizenship Commission, and which was made January 19, 1892.

BY MR. HAKENHORN: To all of which the applicant's object, because the same is immaterial, irrelevant and incompetent.



- Ques 4 Did Polly Rogers speak Cherokee?  
 Ans. 4 She did when she was young.  
 Ques 5 How far did you live from Anna Fruet?  
 Ans. 5 Just across the river about 3/4 of a mile.  
 Ques 6 Was Calhoun in the Cherokee Nation?  
 Ans. 6 It was on both sides of the river part in the Nation  
 and part out in the state.  
 Ques 7 Which Harnage was it went to Texas?  
 Ans. 7 George went first, then John went, they were the sons  
 of old man Harnage, that lived up near the line.  
 Ques 8 Did the claimant go to Texas?  
 Ans. 8 No the claimant did not go to Texas.  
 Ques 9 What connection was claimant and Polly Rogers?  
 Ans. 9 The claimant is the son of Polly Rogers  
 Marion here is the grandson of Polly Rogers.  
 Ques 10 Where does claimant now live?  
 Ans. 10 He lives in Carroll Co Arkansas.  
 Ques 11 Do you know what relation old Capt John Rogers was to  
 Charles Rogers here in Coosawatomie?  
 Ans. 11 They claimed kin but what kin I dont know there were  
 two Capt John Rogers in the Nation I am speaking of  
 the time when I first came to this country about the  
 year 1820.  
 Ques 12 Was Anna Fruet the maiden name of claimant's grandmother?  
 Ans. 12 Yes that was her maiden name the Indian called her  
 Since his

(signed) Arthur L Baker  
mark

Witness hand paralyzed is the reason why he signed by a mark  
thru x

I R T Hanks Assistant Executive Secretary do hereby  
certify that the foregoing document is a true and correct  
of the original as appears of record in the Executive Department  
of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation  
on this the 5th day of December 1881.

(signed) R. T. Hanks,  
Asst Exec Sec.

(seal)

To the Honorable the Dawes Commission on Citizenship in the  
Five Civilized Tribes in the Indian Territory:

Your petitioner, Irons J. Hulse, undersigned, respectfully  
states that she is a Cherokee Indian by blood, and wishes to be  
enrolled as a member of the Cherokee Nation of Indians in  
the Indian Territory. That she derives her said Indian blood  
from Joannah Barber her mother, who is a Cherokee Indian by blood  
The said Joannah Barber being a daughter of Elizabeth Barber  
who was the daughter of Polly Rogers and Samuel Barber, the  
said Polly Rogers being the daughter of Captain John Rogers  
and Anna (also Yamm) Fruet, Cherokee Indians, as shown by a  
certified copy of the affidavit of Mr. Arthur L. Baker, which  
is hereto attached as Exhibit A also affidavits marked  
exhibits B- C- D- and E.

Your petitioner states the above facts as the legal  
grounds for her application for citizenship in the Cherokee Nation.



Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows: W. J. House, aged 34 years; Chas. C. House, aged 9 years; Vinson T. House, aged 8 years; Amy J. House, aged 3 years.

WITNESS my hand this 19 day of August 1896.  
(signed) Irene J. House.

Northern Judicial District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.  
(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D. 1896.

(signed) J. Berricklaw,  
Notary Public, My Commission expires  
June 8 1898.

(seal)

Exhibit A.  
Northern Judicial Division,  
Indian Territory.

Joanah Barber being duly sworn according to law, on oath states: My name is Joanah Barber I am 61 sixty one years old My Post office address is Watona Ind Ter. My husband occupation is farmer I am a Cherokee in Sequoyia County Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt. Rogers and Anna Vann (commonly called Alvey Vann) The following Irene J. House is my daughter: she was born in Williamson County, Texas May 15 1862, moved with her husband children to the Indian Territory and settled near Talala I Ter.

(signed) Joanah Barber  
Subscribed and sworn to before me this 19 day of Aug 1896.  
(signed) J. Berricklaw,

Notary Public, My Commission expires  
June 8 1898.

(seal)

EXHIBIT B.

Indian Secretary,  
Northern Judicial District  
F. K. Dawson being duly sworn according to law  
deposed and says:

My name is P. M. Dawson; I am 54 years of age; My Post office address is Arton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, My grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers. The said Elizabeth Petty was the mother of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koozler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recent action I know by means of family history and traditions which have I have always been taught and told of by my parents and grand parents from childhood up, the facts stated as occurring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(Signed) P. M. Dawson.

Indian Territory,  
Northern District,

I John H. Koozler, hereby certify that the annexed and foregoing statement and affidavit was delivered to me by P. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 15 day of August 1890, and I further certify that the said P. M. Dawson is personally known to me and that he is a credible person and entitled to belief.

(Signed) John H. Koozler,  
Notary Public.

(seal)

Northern Judicial District,  
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my last office address is Talala, Ind. Terr. I am a Farmer by Occupation, and reside in Converse County District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Roger come West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson in wife and being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joann Barber who is a full cousin by blood of this affiant on the Indian side, the said Joann Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the said Henry at the last per capita payment made by the Cherokee Nation. Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barwickler, Notary Public at Talala, Ind. Terr, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occurred before the recollection of affiant he testifies to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson,  
Subscribed and sworn to before me this 15th day of August 1896  
(signed) J. Barwickler,  
Notary Public, My commission expires June 1, 1898.

(cont.)

Cherokee Nation,  
Congressional District.

EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn; deposes and says, that he is well acquainted with Irene J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a niece of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irene House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irene House is a lineal descendant of Annie Dawson whose children (line drawn through word "children") sons, Robt & James Befera spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:

"No. 5099 5484 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

"Received of E. H. Jacoby, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs. .... Nation, as follows..... witness my hand and of local seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."  
(Seal)"

Indorsed: "Court No. 236 No. 5484 Receipt for original papers in the case of Irene J. House vs. Cherokee Nation. Received and filed this ..... day of ..... 189...."

"Irene J. House et al,  
vs. No. 236  
Cherokee Nation.

Mr. N. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSKOGEE.



IRENE J. HOUSE ET AL.

vs.

# 238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

000

I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of case No. 96, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 3, 1886 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1886 and the applicants denied, no reasons being given for the decision, and that on January 20, 1887, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, T. J. House, and their children Chas., G. Winston T., and Henry P. House. That they file in support of their application the affidavits of Joanna Barber, P. W. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsay Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsay Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission for citizenship in the year 1887, and the record of the rejection of the claimants, and further the affidavits of W. C. Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state they have never heard of any issue of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter whose name was Cynthia.

III

The claimants contend that they are the residents of the Cherokee Nation and are relatives of the Dawsons, and are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that those claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1867, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) H. A. Gibson,  
Special Master.

10¢ fee paid,  
No Exceptions filed.\*

Foregoing papers indorsed on cover as follows: #338, Irene J. House et al v Cherokee Nation Final Report of Special Master, filed Nov 10 1897 Jas A. Winston, Clerk.\*

Foregoing papers enclosed in jacket indorsed as follows: #238, Irene J. House, et al vs. Cherokee Nation.\*

BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. HATCHERSON:

- Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 78 years, my residence, Vinita, Indian Territory.
- Q Are you a duly recognized citizen of the Cherokee Nation by blood? A Yes.
- Q You gave testimony in this case once before did you not, before the House Commission? A Yes.
- Q Before this Commission, I will ask, was Commission? A The House Commission? A Yes I was. I testified before the Commission and, that was taken at Vinita, in 1897.
- Q Were you in any way connected with the Cherokee citizenship Commission last known to the House Commission? A I was Clerk of that Commission.

Q How was I judge of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, Commission of that Commission.

Q How were the cases taken it was during its continuance were you?

Q You were clerk of that Commission when it rendered a decision in favor of the State of Ohio, as to and on page 114, of its records, numbered 108 (reference examine record referred to,) now in the possession of the Commission? A I was.

Q The names of that Commission were the same as shown by the signatures on that document were they? A The same, yes, sir.

Q That is, James, the agent of the Commission, Alex Wolfe and T. F. Thompson, correct, is that correct, is it? A That is correct.

Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.

Q Were you at that time acquainted with F. H. Dawson, commonly called "Red Dawson", Marshall Taylor and Samuel B. Henge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I really know Mr. Dawson; all I know of him was I saw him there as a matter in the suit. I know Mr. Taylor and Mr. Henge more extensively; I have known them a number of years.

Q They were recognized Cherokee citizens were they? A They were.

Q Was Taylor not known generally as a citizen and attorney?

Q Do you recollect seeing him and Henge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Henge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.

Q You know who submitted the case to the Court for the judgment? A Let me understand the meaning of that, who brought the case.

Q How brought up the case? A No, I don't recollect.

Q Do you recollect whether that Commission rendered any other decision that has come under this record in that case? A I never had any knowledge of any other decision.

Q Was that an appeal of or against the applicant? A It was in favor of them; I will say that if there was another decision under this case, I will say that it was on the docket now before you, I have no recollection of it.

Q The only decision you have any knowledge of was rendered by you in that case or here shown was it not? A That is the only one that I have any knowledge of.

Q Did Red Dawson pay you any money in connection with that case? A He did not.

Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.

Q Or did he ever pay you, either directly or through any other person, for my influence in that case?

Q Yes, sir, I never.

Q Do you have any knowledge of his having paid to the Court or to any other person of the Court any money for the purpose of influencing the Court in that case? A Never.

Q Did he ever pay any money, either directly or through any other person, for my influence in that case?

Q Yes, sir, I never.

Q Do you have any knowledge of his having paid to the Court or to any other person of the Court any money for the purpose of influencing the Court in that case? A Never.

ment. A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.

Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered to him in that case?

A Yes, he paid me some.

Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.

Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tallahassee; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home, - he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, on it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stakes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long, - I think I met him in Vinita, and says he, did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.



Q Yes, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well, we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street, I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing Mr. Dawson little services in the Court. Now that is the fact and substance of the whole thing.

Q Was that that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from that Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars said he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He said you no other money than what you have already stated, from Mr. Dawson? A Not a cent.

BY MR. MCKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim and r it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Federal Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Fehel, President, Alad Wolfe, T. F. Thompson, Commissioners. D. V. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

\*Office Commission on Citizenship,  
Tahlequah, C. H., September 24th, 1881.

No. 108  
Robt Dawson,  
Elbert Dawson,  
Jasper Dawson,  
John Dawson,  
Josephine Dawson,  
Joseph Dawson,  
Jane Dawson,  
Nelly Dawson,  
William Dawson,  
Sarah Dawson,  
Eli Dawson,  
vs.  
Cherokee Nation.

Petition for Citizenship

Continued by the Plaintiff, Oct. 5, 1881.

January 11th, 1883.

The above case concluded by the Cherokee Nation, 1883.







Q Will you look at the original transcript hereby shown you and refer to it in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.  
Q That made you when you were testifying at Vicksburg before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory. I recollect that at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served in which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson was not present and rendering a judgment signed it himself, set on that your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advice or when I gave in that testimony. I subsequently became better informed and concluded that that was my handwriting, and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and will alter the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know that as I understand you wouldn't know that it was your handwriting, if it was not refreshed by what you consider to be exterior facts? A I would know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or reconsideration I might make a mistake.

Q You did recognize the names of Thomas Tenge and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third one, right under it, as compared with your other handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that were not a reasonable one; what made me of the opinion that that was not my signature was like this: I knew that I had been in the habit of at least sometimes signing my own name, and I was under the impression—and I do not now think I am mistaken— that his signature was at least once recognizable to my own hand. I never doubted whether I had signed that name or not on that account.



Q. You were also so intent on the fact in your testimony to the fact that Mr. ... I am aware that that was his handwriting and not yours. Didn't you ... I don't recall that that was his handwriting, but I don't recall that I was not ... I don't recall that I was not ... I don't recall that I was not ...

Q. ... I don't recall that I was not ... I don't recall that I was not ... I don't recall that I was not ... I don't recall that I was not ... I don't recall that I was not ...

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BY MR. MCKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the subject of promises, except as far as the same may be needed for the purpose of testing the memory of the witness, because that same is immaterial, irrelevant and inadmissible.

B. P. FORSTER, Deputy Sheriff, duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

- Q What is your name? A B. P. Forster.
- Q That is your name? A Yes.
- Q You are a physician, are you not? A Yes.
- Q Where do you reside at present, Indiana Territory?
- Q Do you hold any official position in your district? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the National Board of Health of the Indian Territory and of the American Medical Association, those are some, and the most important positions I hold at this time.
- Q Are you a Cherokee citizen? A I am.
- Q By blood or intermarriage? A Intermarriage.
- Q Your wife is a citizen? A Yes, sir.
- Q Do you know D. W. G. Bricent? A I do.
- Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
- Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
- Q Is that good or bad? A It is good.
- Q Do you know Samuel Taylor? A Yes.
- Q How long have you known him? A About six or eight years, don't know exactly how long, know of him for two years and personally I have known him about six or eight years.
- Q Do you know his general reputation for truth and veracity? A I do.
- Q Is that good or bad? A It is good.
- BY MR. MCKENNON:
- Q Sir, the charges made to the court, church you belong to? A Yes, sir.
- Q And how long a member of church? A Well now I say I think I do not know exactly how long.
- Q How's now he with all your friends? A Well, he has attended church there and he has been just as if a member of the church.
- Q You know I give the evidence before the grand jury court of which he was a member, and you know of it, do you not know of it?
- Q The report of the grand jury is the same as a court of law to the grand jury.
- Q Have had any conversation with him since? A Had no conversation before that and since that time.
- BY MR. MCKENNON:
- Q You know of any conversation between him and the grand jury?
- Q I will not say anything about that.
- BY MR. MCKENNON:
- Q I will not say anything about that.
- BY MR. MCKENNON:
- Q I will not say anything about that.



But no one saw your face but the regulation states that in the  
presence of the ship - A no one was of your ship.

Q Did you have any other witnesses and they remained  
silent?

A Yes, I had several witnesses.

Q How many witnesses did you have?

A I had three witnesses.

Q What were their names?

A The names of the witnesses were B. J. ... and ...

Q How long were you in the water?

A I was in the water for about 15 or 20  
minutes.

Q Did you have any special protection for your eyes? A Fall  
you.

A Yes, I had a pair of goggles.

Q How long were you in the water?

A I was in the water for about 15 or 20  
minutes.

Q How long were you in the water?

A I was in the water for about 15 or 20  
minutes.

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A I was in the water for about 15 or 20  
minutes.

Q How long were you in the water?

A I was in the water for about 15 or 20  
minutes.

Q "The character such as to preclude any such charge against  
him?" A Yes, sir.

BY MR. HUTTONS:

Q How long did you know Dr. Baker? A Two years.

Q What does he do there? A He was an old gentleman then, he lived  
right in the edge of Berryville, Dr. Baker.

Q How old do you think he was then? A I think he must have been  
75 or 76 years old, an old gentleman.

Q That was in 1894, say? A No sir, it was in '98 and '99, the  
two years that I lived over there.

Q He had retired from practice? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q Was he very old he never? A I don't know how much older he  
was, I don't know whether with the old gentleman.

Q He wasn't doing any business with anybody? A No sir.

Q Another character was named Miller in connection one way or the  
other way? A No sir, no sir.

Q The Miller family was a notorious moral group and they asked  
you ever know him then? A Yes sir, I never knew any good of  
him.

Q And the ever a man you had citizenship case he got or dealt  
to work it, because he was obviously a rascal; that's it ain't it?

A Well a great many of them got him.

Q It was a notorious thing that they put a bad case they would  
take him, it would sort of give a man a bad case to have Carpool  
around it? A Yes, that would be right.

Q You never used anything about Dr. Baker's connection with  
citizenship matter? A No sir, never did.

Q You never heard about his connection with some of the people of  
citizenship matter? A No sir, never did.

Q You have heard lots of talk about this Dr. Baker case? A Yes sir,  
I got to hear it all around that somebody was doing something  
wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him  
accused of it, no sir.

Q That he got out from the first day they were admitted  
to the territory? A Well I don't know not from the first day,  
I have heard it for a good while though.

Q Did you never know who they fixed it out? A No sir.

Q They have been a pretty strong family in there in that country  
haven't they, pretty large family? A Yes sir.

Q One of a good many votes up there? A Yes sir.

Q Did you ever know of the doctor's testimony any in court, Dr.  
Baker? A No sir, I never did.

Q That would you think of a man who would testify that he never  
knew that was single in 1895 when the youngest of his seven children  
was born in 1895, what would you think, would you think that was a  
stated one to be made by a man who was truthful? A -  
Well, naturally I wouldn't object to the question because  
it is really incompetent, but not based upon any of the  
admitted facts in the case, and it is wholly immaterial and in-  
competent.

Q Do you think that was a statement that would be made by a truthful  
man? (No response.)

Q You know him in '98? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, '98  
and '99.

Q May I ask you that like no one else is to be in his category  
 I don't know, do you know any one else who is like that?  
 Q No, the ten or so, in fact, and rather from business than a well  
 as all of a good deal, but none doing any business particular  
 that I know of.  
 Q He must have been twenty or thirty years from that time, is that  
 no more by passing on.

BY MR. HARRIS, having first said those and being recalled,  
 testified as follows:

BY MR. HARRIS:

Q Now, in your mind, I say in your mind,  
 that is the man, Mr. Campbell, is it not?  
 Q That is the man, is it not?  
 Q Now, you say I - the other man, is it not?  
 Q Also you know of each other, is it not?  
 Q You know Mr. Campbell, don't you?  
 Q Are you a friend of Mr. Campbell's, is that right?  
 Q By friend, by acquaintance, is that right?  
 Q Do you know J. M. C. Duncan, is that right?  
 Q Now, have you known him, I say, is that right?  
 Q Do you know his general reputation in the community where he  
 lives, the vicinity and vicinity of character, is that right?  
 Q Is that good or bad? A Good.  
 Q Do you know Marshall Taylor, is that right?  
 Q Now, have you known him, I say, is that right or long?  
 Q Do you know his general reputation for truth and honesty in the  
 community? A His general reputation was not.  
 Q Is it good or bad? A Well, it is not good.  
 Q Is it bad? A Well, I suppose it must be bad then.

BY MR. HUTCHINGS:

Q Now, have Campbell's reputation be a bad, Mr. Harris,  
 quite a good deal, when it is a very high one, is that right?  
 Q And it kind of goes mostly with his political business?  
 Q Yes, is that right, I know it, is that right?  
 Q Campbell got no very bad citizens, is that right, through the rail,  
 and they finally had him up about it, but a good deal of this about  
 it, is that right?  
 Q And you say that was not of Campbell's, but of his helping  
 the Democrats in that, is that right, I don't know, I don't know whether  
 he helped the Democrats.  
 Q And that that one of the principal cases that brought it into  
 notoriety? A I don't know, I don't know that case of not, I  
 know he had a great many cases.  
 Q That was the thing, a thing that concerned the first party  
 out, the old country, is that right? A I think that is what got the  
 into the most trouble.  
 Q I say before that like nobody had talked about Campbell  
 one year or two, and it became rather general, that Campbell  
 was handling money in political cases, and he got a bad reputation  
 from that, is that right, I think that was the business, is that right?  
 Q Now, Mr. Duncan's connection with his business, was it not of that  
 sort, that he was now a partner with about it, is that right, is that  
 right about it, is that right?  
 Q You have heard that about Mr. Campbell, is that right, is that  
 the name of the case, that had a bad reputation, is that right, is that  
 a notorious case, is that right?  
 Q Well, the fact of Mr. Campbell's reputation for reputation, has  
 been somewhat given by his name, is that right, is that right, is that  
 is that?









Q So they never had any business to deal with the ...  
A No sir.

Q Now is you like to say A in '25 I live out on Dick Creek  
about 12 miles north-west of Florida.

Q Did you know ...  
A About 75 or 70 miles, I  
was not.

Q ...  
A ...

BY MR. PROCTOR: ...  
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BY MR. PROCTOR: ...

I became a member of Carroll ...

for many years. ...

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BY MR. HASTINGS:

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Q Mr. Lawson, what number of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?

A My brother from Texas got to at Tallahassee.

Q Tell his name? A Robert Dawson, they all know him by Nick.

Q When was that? A In '81 or '82 as well as I remember, or '82, I don't know which, it was in '81 or '82.

Q Did you file your claim at that time? A My brother was, yes, the application, my brother and Joel Hayes to make it out and file it. That is my understanding.

Q Joel Hayes, who afterwards was Chief of the Cherokee Nation?

A Yes sir.

Q Refer what court was that filed? A My understanding is he was clerk of the court; Bookings can tell me what court he was clerk of.

Q He was clerk of the Court at that time? A Yes sir, of the citizenship court; that's my understanding.

Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.

Q Where did you then live? A I lived at Berryville, Arkansas.

Q When did you next come to the Cherokee Nation? A I believe I come back the next January, that was in September.

Q Was your brother Nick here then? A I don't think so now, I don't remember.

Q Will had he at any time of the court or sessions of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never met him any more until that case was decided.

Q You conducted the business then after that did you not? A Yes sir.

Q The case was finally determined in January 1887? A '87, yes sir, the 15th day as I remember.

Q Were you present at that session? A Yes sir.

Q Was there any decision of that case other than the one on record here? A I never heard of it if there was.

Q Was the judgment rendered in that case recorded in the record book of that jurisdiction or in the custody of the Indian Commission the only judgment that was rendered in that case so far as you know? A Yes sir, so far as I know, if there was any I never heard of it in that case.

Q You then know of no decision against you in the case? A No sir.

Q Was your attorney employed at the beginning? A I employed A. H. Howard.

Q Was he a Cherokee citizen? A Yes sir, I think so.

Q Where did he live? A At Cherokee, or understanding.

Q Was he present at any time before the Commission? A I never saw him, he never got in line before the Commission.

Q Did you pay him any money? A Yes sir.

Q How much? A Fifty dollars.

Q Did he ever render any services? A If he ever did I never know it.

Q Tell them who did you employ? A My brother employed Joel Bryant.

Q Was he a Cherokee citizen?

A Yes is my understanding.

Q Was he not a prominent Cherokee citizen? A Yes sir.

Q What service did he render? A He was a lawyer, my brother he rendered any services, only he was at that time at Tallahassee, and he was before the Commission, charged at rendering any services.



or not I don't know; he was generally always at Washington City during the term down there.

Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A How I got a letter from Joel Bryant that he was going to Washington City and come to court down in January term and Campbell Taylor would see to my law before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Well what did you do then? A When from the time come I come down on the day to Washington here and I come over from here to Fort Gibson and I come down to see Uncle Houston he come here and stays all night with him; it was very cold weather, and I got him to go over and deposit my case to the court; I went over one day and the next day Uncle Houston he go down over and the next morning after he come over the case was submitted.

Q Did he say it the case? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.

Was Houston he go present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he submit his argument.

Q He made an argument before the Commission? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted to be get up the cigars to the court and they stood in the house; after the decision was rendered I was to get up the cigars, and everybody come to me and told me to get up the cigars and I done so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a cigar.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.

Q What did you do about it then? A Why the clerk wrote me out my certificate.

Q That was that? A That was that.

Q What arguments did you make with Mr. Bryant about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; when he wanted me to pay, he charged me fifty dollars, that was his fee.

Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in town was to pay it.

Q Were you to write or was he to write? A He was to write for it.

Q Did your brother in town ever pay his fee of fifty dollars?

A Yes sir.

Q Was that all that was to be paid? A All he was to have; all he wanted.

Q You heard his wife say when he gave him the money at Fort Gibson the other day did you not? A Yes sir.

Q How long did you stay in the city before you went to the hospital, and how long did you stay there?

A I was in the city for about a week, and then I went to the hospital for about a month.

Q After that, did you go back to the city, and if so, for how long?

A I went back to the city for about a week, and then I went to the hospital again for about a month.

Q How long did you stay in the hospital, and how long did you stay in the city after that?

A I stayed in the hospital for about a month, and then I went to the city for about a week.

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Q Well, A well I made several trips out here a different time, to Tahlequah before the commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you remember how many trips aside from the one which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. B. Woodward.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and employed George, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 22 dollars, one or the other, I don't remember which it was; Joe Dawson, my brother, gave me the money, it was either 21 or 22 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, or any other that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considerable poor people; I don't know, we didn't have much money, scarcely any.

Q Were there any one of them that was better off than the others, and if so, which one? A I remember that Robert Dawson was better off than the others, that Dawson.

Q Do you know how much back Dr. Baker paid of these expenses? A I don't think he paid, he paid the mortgage debt and the Bryant debt, I think it was.

Q That is one hundred and sixty dollars? A Yes sir, that he paid up on one trip and taken care of it with Joel Bryant when Joel Bryant was clerk of the Court before this James Court, I don't know what that cost him.

Q Care to he said took son to testify? A Yes, care to he said took to Texas, filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what is told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A No, I don't know they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I came back home and left him at Tahlequah.

Q He had taken the testimony before you left him or after you left? A He taken it afterwards; that was my understanding.

Q Did your family only the one hundred sixty dollars that you now mentioned? A I think it was.

Q Was the expense of taking those witnesses up there? A Yes sir.

Q Was also furnished money now of the members of your family? A My father and father lived down in Berryville, he and my brother, my brother, my brother, we all lived together a few dollars each one, that's all.

Q You think the statement of S. C. Wright that in June 1862 you told him that it had cost you 100 dollars, did you not say such a thing to him? A I never did.

Q And that you paid one witness 200 dollars? A I never made any such statement.





Q Those that lived here in the Nation they lived here in the Nation  
but went back to Arkansas and died there. A Well I don't know of  
any folks all lived here. That was the only house and that house.

Q Robert Brown, was he there, wasn't he with the doctor, did  
not? A No.

Q Did you hear the statement of the doctor Brown this morning,  
that about the time of the death of the doctor Brown, of a  
negro church at that time, was he with someone else  
is a introduction to him, and he talked him on the side, did you hear  
that statement this morning? A I heard the statement, yes sir, I  
heard it.

Q He says that your brother James Brown was 70 or 80 years old; was there  
any one of them living with you, or your father at that time of  
any such age? A No sir.

Q How long James Brown's name there belonging to your family?  
A There was my uncle James Brown and a brother James Brown,  
the doctor there.

Q How old was your brother James Brown then? A He was a tolerable  
old man, I don't know his age.

Q About what age? A Must have been 60.

Q Between 60 and 70? A Yes sir.

Q That was the age of your brother Brown? A At that time

Q Yes sir, in 1865? A Yes sir, I don't know the date, but  
like that.

Q He was working to do with the doctor Brown then? A Yes sir.

Q Was he present at the time that the doctor Brown was under  
consideration? A No sir.

Q Was James Brown, your uncle James Brown, present at any time  
during the consideration of his case? A No sir.

Q He never was present? A No sir, if he had he would not have  
in testimony I never knew it.

Q The statement of the doctor of the doctor Brown was  
his case, was it not? A Yes sir, that was the case.

Q Yes sir, I think James Brown and his brother James  
Taylor.

Q That was the case, was it not? A Yes sir.

Q That was the case, was it not? A Yes sir, that was the case of  
the doctor.

Q That was the case, was it not? A Yes sir, that was the case at that time.

A It was the case, was it not? A Yes sir, that was the case.

Q Was he at that time, was it not? A Yes sir, that was the case.

A I don't know, was it not? A Yes sir, that was the case.

Q Regarding the case, was it not? A Yes sir, that was the case.

Q Did he ever see the doctor of the doctor of that time?

A No sir, I don't know.

Q That was the case, was it not? A Yes sir, that was the case.

Q Did he ever see the doctor of the doctor of that time?

A No sir, I don't know.

Q That was the case, was it not? A Yes sir, that was the case.

Q Did he ever see the doctor of the doctor of that time?

A No sir, I don't know.

Q That was the case, was it not? A Yes sir, that was the case.

Q Did he ever see the doctor of the doctor of that time?

A No sir, I don't know.

Q That was the case, was it not? A Yes sir, that was the case.

Q Robert Dawson didn't move here? A No, I said except Robert Dawson.

Q Did all the members of Robert Dawson family move here? A Yes sir.

Q Except himself? A Yes sir.

Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.

Q She has never moved here? A No sir.

Q Well all the members of your family, your father's family included in that judgment of the committee, rendered January 11th, 1892? A All but one.

Q What was the name of that one? A Mina.

Q A daughter? A Daughter of Robert Dawson.

Q Your sister? A Yes sir.

Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.

Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.

Q Was a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my nieces.

Q What are their names? A Katie Vernon and Verna Fishback.

Q What was one of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was admitted back by the act of Council.

Q That is in 1894, the Cherokee Council admitted, re-admitted, they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names as except Vernon, it is not, Tab Robinson married the wife, a niece of mine.

Q Now then you have any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two acts in '87 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three that you have just named? A Yes sir.

Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and saw Highways member of Council, got their draft or checks for the money.

Q Have you got that copy of the act of Council admitting them? A Yes sir.

Q Where is it? A (Produces papers.)

BY MR. HICKENHORN: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the principal chief shall draw up warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1890 by the Principal Chief."

This act was approved December 21, 1891.

Approval signed by Stephen Yemas, Assistant Acting Principal-In this list a part of the name of William E. Dawson for payment of \$17.70, part of Marion Dawson, for a like amt. Are these

the names of two of your sons? A Yes sir.

(This paper above introduced, is filed and made a part of the records in this case.)

Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q Then? A In 1894.

Q That was that? A Allowing them their Strip money.

Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. MCKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed G. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blasingame family, as follows: Jane, Elbert, Henry, James Ross Leirie, Pearl, M'oa, Myrtle, Vinnie and Clifford: this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of those named of \$255.70.

Q Were these members of the Robert Dawson family? A Yes sir.

Q Which one of the members of the family? A Jane.

Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.

Q And her children? A Her children, was not admitted, she was admitted.

Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was

to Cherokee citizens by blood only or not? A Yes sir.

Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.

Q What was that? A That, I think it was in '84.

Q Have you got a copy of that act? A No, the record is here.

Q Was that by the Spears Court? A Yes sir, by the Spears Court. BY MR. MCKENNON: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, Jam Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. MCKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,  
Tulsequah, Cherokee Nation, September 15th, 1884.

E. Dawson, for his grand-children, No. 181.	}	G. H. Taylor,
Lula Douthett,		Att. Gen. Clark.
Dallas Douthett,		
vs The Cherokee Nation.		Petition filed September 14th, 1884.



Case submitted by plaintiffs Sept. 14th, 1884.  
Case submitted by Soliditors, Sept. 14th, 1884.  
Continued by Petitioner Jan 22 1884 to September Court  
1884.  
Pr-Sub filed September 2nd 1884, by Atty Taylor and Revert  
Submitted by defense Sept 9 1884.

And now on this the 14th day of September 1884 case of this  
case for final hearing, and all the evidence in the case  
having been carefully read, and considered by the Commission  
of Citizenship it has been decided by the Commission that the  
above named Lula Douthett and Dallas Douthett are Cherokee  
by blood, and that they are entitled to all the rights and  
privileges of Cherokee citizenship in the Cherokee Nation  
and that they should be, and are hereby admitted to the full  
and complete enjoyment of the same in all respects, as native  
born Cherokees.

W. H. Spears, Dr. B.  
John Lee,

John L. Adair,  
Ch. Com'n.

Andrew Young,

Commission of Citizenship.

Q Now were there any other notions of the Cherokee authorities  
of like character relating to the members of your family?

A I don't remember of any others.

Q I will ask you if when the Cherokee authorities were  
asked the roll of 1886, in compliance with the request of the  
Dawes Commission for a roll to be prepared by them for the use of  
the said Commission, the question of the citizenship of the  
members of your family was not then raised and an investigation  
had in regard to it? A Before the Dawes Commission?

Q No, before the Cherokee Commission, is it, the roll of last  
of which John P. Hunter was a member? A Yes sir, yes. I had forgot  
it, but since you have named it there was some investigation of  
one at that time; this is what I understood.

Q That roll shows that the members of your family were duly  
enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal  
to the Territory in 1838 and immediately following been recognized  
as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee  
citizens by blood since that time? A Yes sir.

Q You and all the members of your family are living in the Cherokee  
Nation? A Yes sir.

Q You have all drawn Cherokee money awards, have you not?  
A Yes sir.

Q And have you all male members been voting at the Cherokee  
elections or in the Cherokee elections? A Yes sir, I was one of  
the judges of the election in the case held under the treaty.

Q That treaty? A The treaty bill that was sent back here for  
the Cherokees to vote on; I was one of the judges at Kiona.

Q In what year was that? A I believe it was last spring or this  
last fall.

Q Have any of you held any offices in the Cherokee Nation? A Yes  
sir.

Q What office have the members of your family held? A  
Deputy Clerk, under Pete Hastings, when he was clerk of Delaware  
District; I was a candidate once for Council in the Reform Party.

Q. Can any office of deputy clerk be held by any one else except a recognized citizen? A. Only by a citizen, yes sir.  
Q. Is that all? A. (No reply).  
Q. Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A. Yes, sir.  
Q. Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A. Yes sir.  
Q. Have they been tried for any offences against the law? Yes sir.  
Q. And have they instituted their civil suits in the courts of the Cherokee Nation? A. Yes sir.  
Q. And had suits instituted against them in such courts? A. Yes sir.  
Q. Some of these cases have gone to the Supreme Court of the Cherokee Nation? A. Yes sir.  
Q. And were passed upon by that tribunal? A. Yes sir.  
Q. Is there anything else? A. Nothing, now; I am sick this evening; I have got a headache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q. How old was your father Robert Dawson when he died? A. I don't know, I couldn't answer that.  
Q. He was a very old man? A. Yes sir, he was getting tolerably old.  
Q. Could you tell how much older he was than you? A. No I don't know.  
Q. Mr. James Dawson in 1884 must have been a very old man, isn't he? A. Well he was old and he was feeble.  
Q. Well you stated that he had become silly; was he naturally that way? A. He used to live in Texas; I didn't know him until after he came to the Territory.  
Q. I say he had gotten so old, that was the occasion of that? A. I suppose so, the eldest one of these children was Mrs. Betty Peter, that's my understanding.  
Q. And the eldest boy was John Dawson? A. We always called him Jack.  
Q. Jack Dawson he was the oldest? A. Yes sir.  
Q. Sam was the youngest? A. Sam Riley.  
Q. He was the youngest one of the crowd? A. Yes sir.  
Q. Your father lived four or five years after he and you were admitted to citizenship? Yes sir, something about that, it was in 1883, I think he died in 1887, I won't be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.  
Q. He nor none of the older members of the family were ever present at any of these trials of citizenship? A. No sir, not a one of them was.  
Q. Not a one of them was ever called upon to testify as to the blood of their father, and she was or anything about it? A. I don't think they was.  
Q. Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A. I don't know, I couldn't answer the question.  
Q. You were there when they took the testimony? A. I was there when Dr. Baker's testimony was taken, that was about 16 years ago.  
Q. And nobody kin to the Rogers or Vann was ever called to testify in the case? A. Not as I know of.  
Q. They were very well known Cherokee families in the country? A. I expect so, I don't know.  
Q. And yet nobody on any side of the family connected with it was ever called to testify? A. Not that I know of, I don't know that my brother down here taken some of the evidence at Muskogee when I was not there; he first filed his claim.

Q You were spoken to by Dr. Baker about the testifying before you brought your case didn't you? A No sir.

Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and I was led into and I watched him the next time.

Q You had talked to your brother about that you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.

Q You had told him in general of you expected to use Dr. Baker as a witness? A Yes sir.

Q You went off, come to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.

Q You didn't see your brother any more until after you were admitted? A No sir.

Q You and he however had come back and both to Tahlequah and home at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.

Q But you were there and brought Dr. Baker over? A Yes sir.

Q And took his testimony a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.

Q Now the way you came to get Campbell Taylor was on the recommendation of Joel Bryan? A I didn't get him, didn't see him.

Q The way he came into your case? A The way he came in to come in.

Q He did more in your case than Bryan did? A Campbell didn't do anything.

Q What did Bryan do? A I think he told my brother that evidence my brother employed him.

Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.

Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.

Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryan, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.

Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryan.

Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Duncan case I think so.

Q E. Brown, you remember, had his for his grand-children? A That is an understatement.

Q And your uncle James Brown had his in the case of his children? A Uncle James had nothing to do with it, James Brown and Bill Jackson got him, that was by understatement of who employed him.

Q The record here shows that the case was originally instituted by Dr. E. Taylor and was finally admitted by him September 22d, 1884, in the James Brown case? A I don't deny him being in that case.

Q You say he was employed in the E. Brown case? A I don't know who was in the E. Brown children's case.

Q The record shows that Campbell Taylor instituted the case, and it was finally admitted by him, and Mr. Brown, was that a really riot? A That was in the James Brown case, wasn't it?

Q That was in the E. Brown grand-children's case? A Right?

Q No, in the Douthett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Admiralty court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.

Q And the same likewise of Riley Dawson? A I don't know anything about those.

Q They are relations of yours? A Well I couldn't say.

Q James K. P. Dawson never to be a son of Riley Dawson? A Well if he is he is in connection then. There are so many Dawsons I don't know them all.

Q You know Andrew J. Dawson? A Yes sir.

Q The lawyers have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.

Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.

Q He refers in his application as being a cousin of B. Dawson, and yourself, who were admitted to citizenship by the Texas Court? A He may be, I don't know nothing about it.

Q He resided, I believe, at that time at Nevada, Missouri? A I don't know anything about these people.

Q Old Mrs. Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.

Q Then the statement made that the reason he couldn't write his name and had to take his work, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.

Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.

Q Well I say he was a very old man? A Yes, getting old.

Q How didn't you come to this place up there joining Broughton's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.

Q And you subsequently built a log house on it? A Yes sir.

Q And went back and got your wife and moved her to the log house? A Yes sir, went to Eureka and got my wife.

Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.

Q You remember do you of being with him such of any at all? A I was in Texas in time of the war, with my uncle Riley Dawson, and he was there.

Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.

Q How old a man was he at that time? A Pretty old man.

Q You never saw your grandmother, she died before she came?

A Yes sir, I never saw her at all.

Q Who first started the citizenship matter, your brother in Texas or you? A No, it was me, and my brother together.

Q I mean who first conceived the idea? A I first conceived talking about it.

Q And went down for him? A I was in Texas with him and then in Arkansas; I went back to Texas and Georgia a time or two after the war.

Q About that time pretty everybody in Arkansas were trying to get some claim of kinship to Cherokee? A No sir, not at that time.

Q They were getting pretty thick in there in 1880? A Well in '81 and '82 and '83.

Q Some men would go over there to get yourselves on the roll? A Just got to be everybody, but it wasn't at the time we were admitted there was not such talk about the rights here.

Q Well the whites had been admitted before that? A I suppose they had, there was not much talk about the white claim at that time.



BY MR. HASTINGS:

Q You did locate the books with the Shablers when you first came to Tallahassee in '01? A I think I did.

Q Your brother Buck Dawson stayed there, didn't he? A Yes sir.

Q Sam Shabler lived in the north end of town, did he not? A You sir, old German, lived in the south part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your sheet? A I have heard that but I have forgot them.

Q You don't recollect any have not? A I don't recollect any have not sir.

Q In the Irene House case and Joseph Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear a certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House made for them.

Q None of you have ever been able to find any others? A No, not even find our petition.

Q Samuel B. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never let them to talk that.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew L. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Piley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being elected by that court? A I don't remember, sir.

Q You know that the commission never authenticated the roll of 1868, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tallahassee after some papers and came back and they talk about it.

Q You never found out that G. H. Taylor was a big record up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the records; I would rather be excused for I don't know of it.

Q You were the man that had the last to do with it? A I never employed him, I can say that.

Q You are the man that had most to do with the records? A I don't know and it is father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by Jim Dawson after you got your citizenship?

A Why not but the grand-children.

Q Jim Dawson's petition was filed in September last, after yours?

A Yes sir.

Q C. H. Taylor, attorney of record, filed his petition? A No, right have filed it for all I know.

Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over his money, he never would give it back to me or give it to Bryant.

Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was not of good character.

Q Are you and Bryant, this man who testified for the Cherokee Nation, or speaking terms? A Hardly speak.

Q Does he refuse to speak to you? A Sometimes he does.

Q Do you refuse to speak to him? A Yes sir.

Q Have you been speaking to him for the last two or three months?

A I have not spoke to him until I met him there at the hotel the other day.

Q First time you spoke to him since he had the boy arrested? A Yes sir.

Q When did he have the boy arrested? A Alon, in September or October, September I think.

Q When did Dr. Baker die? A I don't remember.

Q You don't remember how much older your father was than you?

A No, I don't know.

Q What is your age? A I will be 60 in May.

Q Then you were born in '42? A Yes sir, '42 according to the record.

Q Was your father as much as 25 years old when you were born?

A I couldn't say.

Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.

Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.

Q Your father was born say, 25 from '42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.

Q There were two girls older? A No, one of the girls I never saw.

Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.

Q Dr. Baker gives his age 73 in '82, which would make him be born in '09, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, that your grandmother Anna Pruett, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Pruett was the mother of seven children, the youngest being born in 1827, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know what he made such statement as that, I don't remember about it.

Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.

Q You know whether they were old or young men? A They were all men like; Steve Tenoe, I got acquainted with him afterwards, and Tommie Thompson, at the Council you know I was there a good deal.



Q When did they come to this country? A Right away after they was admitted.

Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.

Q You know Gideon Graner? A Yes sir.

Q Who is his mother? A Missouri Ann Graner, formerly Missouri Ann Dawson.

Q Did he come from Texas to Arkansas? A Came from Texas.

Q Did you know them in Texas? A I knew the girl.

Q You never knew them until they came to this country? A I never knew him.

Q When did you see him here? A I think they came here in the fall or winter of 1894 or '95.

Q He was married when? A I think he was.

Q Brought his wife? A I think he was, I don't know.

Q Did he have any children when you first saw him? A He come to my house and I never saw his family for-I don't know, for several years.

Q You understand he had a family? A Yes sir.

BY MR. LICKENHOFF:

Q Did you mean to say '84 or '94? A '84.

Q Did you see Gid Graner in '84? A '84, let me study, say '85.

BY MR. HASTINGS:

Q Did you see him in '85, are you positive on that proposition? A I think so.

Q Will you swear it? A No sir, I won't positive about it, but I think it was, as I remember how it was, I couldn't say positive.

Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenized by courts of acquired jurisdiction, enjoyed the same privileges that you have just told here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask the question again.

Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenized by courts of inferior jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.

Q They all played money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.

Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.

Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges as native born Cherokees.

Q Well I say there is nothing special about it? A No, I don't know of there is.

Q You got acquainted with Mr. Dawson while you were up there during the meeting? A Yes sir, I was acquainted with him, then I saw him.

Q Mr. Pittman did the certification of Mr. Salter? A Yes sir.

Q Did you file any other papers before the court other than your petition and that is, make a statement? A I never filed any petition there at all.

Q How many times? A I don't remember any.

Q Will you please say whether you filed any papers before Mr. Dawson? A I got up to go to court, that was.

Q That is, before the court in Paris?

Q Yes Dawson? A Yes sir, E. Dawson.



Q That? A Yes sir, Mr. Dawson.

Q Well is that all he did for you? A I don't remember about it.

Q Why didn't you get your attorney to do that letter writing? A There was not any there.

Q Taylor nor Benge was not there then? A No sir.

Q That is what you paid him 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.

Q How did you pay that? A I think I paid it, I don't exactly know when Taylor paid it a year or two after I moved out here and settled where I did, right have been 2 years. I don't remember.

Q There was Dawson living then? A I couldn't say there.

Q Was he still clerk of this Court? A No sir, not when that money was paid that is, when Carl Taylor said he paid it.

Q You did send Carl Taylor some money? A I sent some money to him for Joel Bryant.

Q You know Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Carl Taylor any money, I gave it to him.

Q How much did you give him? A One hundred dollars.

Q When? A Right at that time; he claimed it from me as soon as we got our papers; he came onto me and claimed me for Bryant.

Q You never sent him any then after that? A No sir.

Q Did you ever see Bryant after that? A Yes sir.

Q How long after that? A I don't know, a year or two afterwards, a year I believe, my brother wrote, I wrote to my brother about paying Carl Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.

Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives case? A The other parties did.

BY MR. McKENNON:

Implicants object to all that part of the witness' evidence in response to interrogatories by cross-examination of the Cherokee Nation which relates to the character of the evidence upon which the judgment admitting papers of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I wanted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolf, Tamm and Thompson.

Q Are you positive of that fact? A Yes sir.

Q You do not know this Andrew Dawson family who applied to the Grand Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?

Q Andrew J. Dawson, the claim to be from Missouri? A How do I know that?

Q You do not know their name do you? A I don't know that they are any kin to me.

Q You don't know that they are related to you at all? A No sir.

Q Talk Mary Dawson case, do you know the members of that family?

A No sir, I don't.

Q Don't know who they are? A No sir.

Q The Barbara Dawson case? A I don't know her either.

Q You don't know whether they are related to you or not? A No sir.

Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joana Barber, do you know anything about them? A They claim to be kin to us.

Q Where are they from? A They are from Texas.

Q Do you know they are related to you? A They claim to be kin.

BY MR. HASTINGS:

Q Tell you more for the record before the Commission? A Yes, they claim to be kinfolks of mine.

BY MR. McKEITHEN:

Q Irons House, who is that? A That is a cousin of mine, claims to be.

BY MR. HASTINGS:

Q You testified for her didn't you before the Commission? A I think I did as well as I remember.

BY MR. McKEITHEN:

Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.

Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.

Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You don't remember their names? A Right.

Q Of those other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.

Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.

Q And then referred back to the decision in the Court before? A To prove that they were citizens, and he knew by folks before me ever since here.

Q Was he older than Dr. Baker? A About the same age.

Q Why didn't you get Oliver Miller's testimony in the House case?

Q He was dead.

Q You are in the bar of your family in the Irons House case or the Joana Barber case or any of these cases that were tried before the House Commission in your affidavit ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.

Q You did have reference to the fact that Dr. Baker testified there in '85, didn't you? A I don't remember about that now.

Q You never had reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.

BY MR. McKEITHEN:

Q Now just one other question: All of these papers in the original application and everything, as far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or missing are they not? A I suppose they are, I don't know, I never saw them.

Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

It is certified that same is certified until 4:30 P.M., to-wit: March 20th, 1902, it now being the hour for adjournment.

March 20, 1902, 2:30 P.M. J. H. DAWSON again on the stand, testified as follows:

BY MR. McKEITHEN:

Q Where was your brother Jack Dawson raised? A In Arkansas.

Q What County? A Carroll.  
Q Where is town? A Bayville.  
Q Did Dr. Baker live at Bayville? A Yes sir.  
Q Was your brother intimately acquainted with him for any years?  
A Yes sir.

Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.

Q Do you know Josephine Pierce? A Yes sir.

Q Where daughter was she? A Robert Dawson's.

Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.

Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephina Dawson? A I don't know but the one.

Q She was also called Josephine or Josie Kelly? A Yes, after she married her first husband was Pierce.

Q And her second husband? A Was Kelly.

Q There was another Josephine Dawson wasn't there, Salaska's wife?  
A Yes they called her Joe, I suppose that's her name, I could not be positive; that was Rilo Dawson's daughter, August Salaska's wife.

Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.

Q You were how old you are? A 42.

Q 42? A I think so.

Q How many older children were there of your father and mother than yourself? A Three.

Q Which are they? A E. Dawson, Elias Dawson and Jasper Dawson.

Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.

Q Where are your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.

Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.

Q Don't know what year he came to Arkansas? A Only from statement.

Q Well what did they say about it? A I think they got there sometime in '30.

Q You know whether your father was born in Arkansas? No many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.

Q He came there in '30, and all the other children were born on the Hiwassee River in Tennessee, before he ever came? A That is what I think, yes sir. No I am not positive about that.

They were from Tennessee, but either Dr. Baker lived there or my folks do or from there; I don't know as I remember that I ever heard my father say where he was born at.

Q In Tennessee so either; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.

Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.

Q Don't know the time that comes in between you? A No I don't know; I think it is about two years though.

Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. MCKENNON:

- Q Did Josephine Pierce have a daughter who married Mr. Bogle?  
A Yes sir.  
Q What was her name? A I always knowed her by Bode Pierce; I don't know whether that is her right name or not.  
Q What is Bogle's name? A John Bogle.  
Q She is the child of Josephine Pierce who married John Bogle?  
A Yes sir.

BY MR. HASTINGS:

- Q Where did she marry John Bogle? A Near Arton.  
Q When? A I couldn't state.  
Q About when? A You have got a copy of the marriage license.  
Q When did Josephine Pierce come to the Cherokee Nation? A '83.  
Q Has she lived here continuously since that time? A Up until her death; she is dead.  
Q Any of her children come with her at that time? A Yes sir.  
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined,  
testified as follows:

BY MR. MCKENNON:

- Q Your name is J. C. Starr is it? A Yes sir.  
Q Mr. Starr, was that instrument taken by you, or before you?  
(Showing witness document.)

- A Yes sir.  
Q Where? A At the residence of S. H. Benge near Fort Gibson.  
Q When? A On the 15th day of this month.  
Q What day of the week was that? A On Saturday.  
Q Is that the day it was taken? A Yes sir.  
Q Did you go there on Saturday to take this? A Yes sir.  
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?  
A It was taken Saturday, the 15th.  
Q Was he mistaken or not? A It was not taken then.  
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?  
A I think not, because I was there, and it was taken on the 15th.  
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

- Q Then of course his statement could not be correct? A I guess not.

BY MR. HASTINGS:

- Q He was just mistaken about the date, wasn't he? A Yes sir.

BY MR. MCKENNON:

- Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A He said

BY MR. HASTINGS:

- Q I sent you there last Saturday? A Yes sir.  
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined,  
testified as follows:

BY MR. MCKENNON:

- Q What is your name? A My name is Robert L. Dawson.  
Q What is your age? A My age is something close to 30 years old.  
I a 25 past.



Q Are you a son of E. Dawson, or only known as Buck Dawson?

A Yes sir.

Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that along the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and he looking over them I saw this letter.

Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.

Q Well that's what it is, you can tell whether it is or not.

(Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. MCKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the care of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENCE, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Benge

Q Are you a son of Samuel H. Benge? A Yes sir.

Q Do you know his handwriting? A I believe so.

Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance

of his.

Q To the best of your knowledge and belief is that his letter?

A Yes sir.

BY MR. MCKENNON: I will offer it in evidence.

BY COMMISSIONER (Examining letter)

Fort Gibson, C. N.

Jan 13th, 1883.

Mr. E. Dawson, Esq.

Dear Sir: I have been told to inform you that your case is before the Court on Citizenship on the 11th inst, and the Court is in your favor, so you all are citizens of the Nation. Mr. H. Dawson was furnished with a copy of the ruling at the Court. He will write to you also. I will charge you fifty dollars as my fee in your case. I will be glad to send it to Fort Gibson, Cherokee

Respectfully yours,

S. H. Benge,

Attorney at law."

The envelope in which it was enclosed as follows:

Card in left hand corner, left hand:

"Return in ten days to C. H. Taylor,

Attorney at Law,

Tahlequah, Ind. Ter."

Addressed: "Mr. E. Dawson,

Henryetta,  
Clay Co., Texas.

Post-dated: \* Piquah, Jan 17 1881.

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. MCKENNON:

Q Now explain that and see if that is also a paper which you found among your father's papers after his death? (Hand's papers to witness) A That is the same letter that I found.

Q Among the same that you found the Benge letter? A Yes sir.  
BY MR. MCKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which is offered in evidence. (Applicant's attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSIONER: (reads letter)  
Chouteau Station, Cherokee Nation.  
J. M. Bryan.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 20th inst in regard to our contract. After I had got the check on there would be little more to do I employed Campbell Taylor to deliver for me when the same came up. My wife I was to pay him 25 out of my 100. This all the action I had in the matter with Taylor. I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him 100- and that you had offered him a check on your bank in Texas. That 100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to. I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you. Please write to me.

Very respectfully,  
Very truly,

J. M. Bryan.

Q I will ask you if you know of your father having said where that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A Oh, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't say so because to find his age, never heard of his age or of course I don't know either way.

Q Every time occasion to talk about his age at all? A Oh I don't hear him speaking of his age at different times, but then I never talk about it at all.

BY MR. HUTCHINGS: (reads letter)  
Chouteau Station, Cherokee Nation.  
J. M. Bryan.

Q What is your name? A Ed Green.

- Q How old are you? A Mr. Graham? A I am 35 years old.
- Q How long have you been living in the Territory? A I came out here in 1887 or '88.
- Q To the Cherokee Nation? A Yes sir.
- Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
- Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
- Q How long did you live in the Cherokee Nation? A About 6 years.
- Q Where did you go then? A Wagner.
- Q In the Creek Nation? A Yes sir.
- Q And been residing there ever since? A Yes sir.
- Q In business? A Yes sir.
- Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
- Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
- Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
- Q Taking the census of the Cherokees? A Yes sir.
- Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
- Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
- Q What did he tell you about it? well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.
- BY MR. HUTCHINGS:
- Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
- Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
- Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
- Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
- Q Your mother was Missouri Dawson was not she? A Yes sir.
- Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
- Q And was not Missouri Dawson as named in that judgment? A Yes sir.
- Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
- Q Ella Dawson was your aunt? A Yes sir.
- Q Was she married at that time? In 1895? A Yes sir.
- Q Melvina Dawson, was she married at that time? A Yes sir.
- Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

- Q Can you give us the exact date of your birth? A Yes sir.  
Q Do so, please? A January 21, 1867.  
Q And you came to the Territory when? A In 1887 or 1888.  
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.  
Q Well I just want to know whether you did have or not? A No sir.  
Q When were you married? A 1886.  
Q You were married prior to coming here? A Yes sir.  
Q Your first child born away from here? A Yes sir.  
Q What is its name? A John W.  
Q '86 you were married, and he was born about the spring of '87?  
A Somewhere in 1887, I don't remember.  
Q Prior to your coming here? A Yes sir.  
Q That is the only child you had that was born away from here?  
A No sir, Julius.  
Q Julius was not born in the Territory? A No sir.  
Q And prior to the time of your removing to the Territory? A Yes sir.  
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

- Q Do you know Campbell Taylor? A Yes sir.  
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on". A Well now as to the first part of that question, there you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.  
Q You never had met him before, or had any communication with him?  
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. NUTCHINGS:

- Q You knew he was the attorney in the case, originally? A After looking at the records I did.  
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.  
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.  
Q Said he would use his influence against you, that is what he said? A Yes sir.



BY MR. HASTINGS:

Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.

Q You went to Captain Henge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote him.

Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.

Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.

Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.

BY MR. McKENNON:

Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the commission had been placed upon a doubtful card? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. McKENNON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be exact as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never know of but two James Dawsons.

Q The one here the other? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '34 any James R. Dawson 35 or 40 or 45 years old; that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. HUTCHINGS:

Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Rich Jackson.

Q The one was V. A. Dawson? A That is William, my uncle.

Q Was he here? A I don't know sir.

Q You were not here any of the time? A No sir.

Q You saw your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.

Q He didn't die for a year or two after that did he? A After that, Mr. Hutchings.

Q After his admission to citizenship? A No sir, he didn't die I think until '61 or '60, several years after.

Q Yes, old man when he died? A Yes sir.

BY MR. McKENNON:

Q About what age? A He was approximately 65 years old.

BY MR. HUTCHINGS:

Q When he died? A Yes sir.

BY MR. HASTINGS:

Q That about 1881? A I think so, yes sir.

BY MR. MCKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation, relating to his family, their history, etc., as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q Your name is James R. Dawson? A Yes sir.  
 Q Where do you live? A Atton, Indian Territory.  
 Q What is your age? A 45.  
 Q You are a physician are you not? A Yes sir.  
 Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.  
 Q Do you know what his age was at that time? A No sir, I do not, only approximately.  
 Q State as nearly as you can? A At the time of the admission?  
 Q Yes sir? A About 70, I don't know exactly.  
 Q How old was he when he died? A I would suppose he was about 78.

Q What was your age in 1884? A I am 45.  
 Q What year were you born, Doctor? A I was born in '45.  
 Q That would have been '58? A Yes sir, that's right.  
 Q That was your age then? A In '84?  
 Q Yes sir? A About 28.  
 Q Were you present at the time that James Dawson finally was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was on.  
 Q You were present during your father's case? A I was there at the time.  
 Q When was that? A The date I remember, when the case first came up, I don't know the exact date.  
 Q How long were you there? A I was there about a week.  
 Q Was that when it first came up you say? A Yes sir.  
 Q Nothing was done? A No sir.

BY MR. HASTINGS:

Q You never saw Dr. Baker? A Yes sir.  
 Q Did he and your uncle James go to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk.  
 Q Yes? A I never saw them together.  
 Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.  
 Q Dr. Baker must have been mistaken about his own age? A Certainly, that's all I know about his age.  
 Q The Doctor had been particularly talked a deal of looking for at the time he was over here of his citizenship application? A No sir, not as I know anything about.  
 Q He had been about 70 then? A I couldn't tell you, he was an old looking man.  
 Q Your uncle Jim is now about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tahlequah, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote G. W. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well he talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that stand and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by explanation, but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Bengo, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Bengo's place to take his affidavit on Saturday, March 15, in the W. N. and J. W. Shoemaker case, and their descendants. I had heard that Mr. Bengo knew some important facts in connection with the Shoemaker case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemaker case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Bengo knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. MCKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.

Q He therefore did it simply upon your persuasion? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

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

(Signed) H. D. Green.



I, Arthur G. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

*Arthur G. Evans*

Subscribed and sworn to before me this 18th day of December, 1902.

*B. Jones*  
Notary Public.



Emma Woolley, et al.,	Cherokee D	405
Henry F. Richardson, et al.,	D	715
Wm. Parker,	"	18
Melissa A. Dawson,	"	13
Alvin M. Plumb, et al.,	"	343
Wm. F. Waddle, et al.,	"	521
William D. Donnett,	"	528
Florence Morgan, et al.,	"	737
John F. Pugh,	"	845
George A. Mabry, et al.,	"	878

DECISION.

It appears from the record herein that applications were made to this commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 384 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, May, Jacob J., Jacob S., John A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife, Ella Dawson as a citizen by blood. Further proceedings were had in the office of said commission at Muskogee, Indian Territory, on April 8, and October 28, 1900.

D 390 By John Barker, at Nowata, Indian Territory, on October 12, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the office of said commission at Muskogee, Indian Territory, on May 2, 1902.

D 581 By William S. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Further proceedings were had in the office of said commission at Muskogee, Indian Territory, on May 2, 1902.

D 584 By Andrew C. Barker, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Barker as citizens by blood. Further proceedings were had in the office of said commission at Muskogee, Indian Territory, on May 2, 1902.

D 585 By Andrew C. Barker, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Barker as citizens by blood. Further proceedings were had in the office of said commission at Muskogee, Indian Territory, on May 2, 1902.

D 353 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 30, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William O. Allred as citizens by blood.

D 350 By Samuel M. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Leruel R., Rosa B., Charles B., Mattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Mariee J. Dawson as citizens by blood.

D 530 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 22, 1900, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 408 By Robert Pierce, at Vinita, Indian Territory, on September



- 24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1903, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.
- D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.
- D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.
- D 471
- D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.
- D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R., and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.
- D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Clio, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901, an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.
- D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.
- D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Nellie, and his five minor children, Nora, Walter, Clara, Ova and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 12, and October 10, 1902, and on March 14, 1903, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.

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D 832 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Anoil F. Dawson, a fourth child of the applicant.

D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.

D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 608 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 18, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 6, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 23 By John W. Graham, at Fairland, Indian Territory, on July 18, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Terra V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Grace L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Okfuska, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada E., Eva P., John W., Ray E., and Robert A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D 1184 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 21, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Gladie Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.

D 1185 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddle and Margaret Graham as citizens by blood, and for the enrollment of his wife Beacie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James M. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 870 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Ozie, Lisale, Jennie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Ririe E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 832 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, Max, Selma, Roberta and Rosa Lowe as citizens by blood.



D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper O. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 343 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverne A. Fishback and his minor children William A. and Arnie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Glida as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

1.198 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1908, for the enrollment of himself as a citizen by blood.

1.199 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Emma, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 18, 1908.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1908. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. L. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, Jasper Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Techee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Erears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1893 and 1894, Robert Dawson on the Cherokee pay roll of 1885, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1894 and 1895, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1893 and 1894, Josephine Dawson on the pay roll of 1894, John Dawson on the pay roll of 1894, Joseph Dawson on the pay roll of 1893, 1894 and 1895, Ella Dawson and W. A.

Dawson on the pay roll of 1882, and Missouri Dawson on the pay roll of 1884.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 580, D 581, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1886.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis H. Dawson, Jr., and Arizona Alfred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were born at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Cherokee Census roll of 1884, and William R. Dawson and Arizona Alfred are identified on the Cherokee Census roll of 1886.

Article 2. Citizens who married under a Cherokee law in a State

and in accordance with the laws of the Cherokee Nation on March 23, 1881, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and heretofore named are the issue of that marriage. The eldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Len Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William G. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1898.

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."

The evidence further shows that Francis M. Dawson, his wife, Katie and William H. Dawson, Francis H. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew J. Atkins, the husband of said Lizzie Atkins, since 1881, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the named children of the above named persons is considered to be that of their parents, with whom they are living.



Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 300, D 352, D 358, D 365, D 402 and D 403.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1868. The Cherokee Supreme Court in the case of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bilawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bilawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1895, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

These white children are identified on the Cherokee Census roll of 1880, and the white parent roll of 1884. My Salawsky is identified on the Cherokee Census roll of 1880, and Oscar Salawsky is identified by a birth affidavit on file with this Commission.

Hannie Dawson, nee Saugher, was married to the said John W. Dawson on September 2, 1884, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Katherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Salawsky and his wife Josephine, since 1889, and Sarah F. and Hannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 598, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the case of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are recognized on the Cherokee census roll of 1880. The two younger children are identified by birth affidavits on file with this Commission.

George H. Dawson and Orie H. Dawson are the children of said John Dawson. They were minors at the time of their admission to citizenship, and they are here identified as the children

Census roll of 1898.

Thomas F. Dawson was married on April 24, 1899, to Allen A. Kilsch, and Marie J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Belle York, and Ruff R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas F. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces ones numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akin) and Nancy J. Hogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1898.

Mellie Pierce, a white woman, was married to said Robert Pierce on July 18, 1894. She has lived with her said husband since they were married, and Myrtle and Arthur Pierce are the issue of that marriage. Mellie Pierce is mentioned on the Cherokee Census roll of 1898, and her two children are identified by birth affidavits on file with this Commission.

Mrs Gray was married to John B. Gray on April 7, 1898, and Ocell and Walton Gray are the issue of that marriage. Ora Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 8, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1901.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1894; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1888 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbers D 478, D 479, D 480 and D 481.

Joseph E. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation at Washington, D. C. He was married to Mary Dawson on May 21, 1895, and they have three children.



gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the application of Nellie Dawson and those claiming through her and references have been made to D 518.

The evidence shows that Nellie Dawson, formerly Dumas, is identified as the Nellie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Hollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Hollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 8, 1898, and Vinnie O. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 3, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1893. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claimants through the said Elbert Dawson, and embraces cases numbered D 436, D 604, D 608, D 605, D 609, D 617, D 622 and D 627.

The evidence shows that John Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard F. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. John Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard F. Dawson are identified on the Strip Payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip Payment roll of 1894.

Martin L. Patterson was married under a Cherokee Marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1880, to the said Xona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert S. Dawson was married on February 18, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogove and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella D. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Mellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis H. ... of ...



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said in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 493), 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."

The evidence further shows that Rosa Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Robert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1885; Alice Dawson since 1888, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group II, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John V. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 18, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Iowa in 1884, and has lived with her since that time. John V. and Robert L. Graham are the issue of the above marriage. John V. Graham, and other persons mentioned are identified as the children of John W. Graham and Missouri Dawson.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard T. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spiekerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John T. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John T. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1886, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1884, and has lived with her since that time. Tomp, V., and Robert S. Graham are the issue of the heretofore said marriage. John T. Graham, his wife and two children are identified as the Cherokee Nation cases numbered 2084.

Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green F. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 125, D 478, D 500, D 520 and D 527.

The evidence shows that Green F. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. She had been previously married to her in Texas before she came to the Cherokee Nation.

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Toshie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Toshie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Ella Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commissioner.



to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and heretofore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 356.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Nellie Bright, a white woman, and the four minor children included in his application and heretofore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been possessed by their father.

The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 23, 1898 (30 Stat., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Willburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1856, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1898. On September 22, 1898, Henry T. Richardson married one Kitty Flourney nee Dawson. The said Kitty Flourney was recognized as legitimate in the Cherokee Nation by an Act of the Cherokee National Council on November 11, 1898. Of the children born to said Henry T. Richardson and Kitty Flourney nee Dawson, the said Henry T. Richardson and Kitty Flourney nee Dawson were the parents of the said Henry T. Richardson and Kitty Flourney nee Dawson.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1895 and was living at the date of this application. Della F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 26, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Teranna Welley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Willie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1888, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the following applicants: Mrs. J. W. ...

ations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Miram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 15, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 15, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Miram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 15, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on July 17, 1891, to Laverna A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Laverna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and the wife is also identified on the Cherokee pay roll of 1896.

Florence Morgan, the wife of Albert T. Morgan, is the daughter of the Paddy Richardson who was admitted to citizenship in the Cherokee Nation on December 1, 1894. She was born to Paddy Richardson at a meeting of the Cherokee National Council on December 1, 1894. She was admitted to citizenship by the said Council on December 1, 1894.



identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverne Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1886.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverne A. Fishback have resided in the Cherokee Nation since 1883; that Lula F. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Fletcher Morgan and Edna Mabry have resided in said Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and heretofore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be admitted by this Commission because they have never been lawfully admitted or entitled by the Cherokee authorities, and that the judgment of the Cherokee Council as to the citizenship of the said persons and the family was rendered by the said Council on the part of said persons.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and rest upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and J. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The hearing was continued several times before final decision. J. H. Brown appears to have been an attorney in the case, and after some time he notified Francis H. Brown that the case shall be taken up by the Commission at its session in January, 1882, and that the same shall be decided at that time. The case was taken up at that time and the Commission decided in favor of the Dawsons.

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Toak Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission re-opened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Dawson was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Toaker and Toiber. He further testifies that D. W. C. Duncan, the Clerk of the Court signed the verdict of the case. He says when any large citizenship cases came up that he interviewed F. M. Dawson at the residence of Dawson, and that he had a conversation between them in which Dawson said to Taylor, "there is a hitch in your evidence, if that is the case, it will be all right." Next morning Taylor was called to the court and he says that he was called to the court, when he said that he was not an attorney in the case.





Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Gilbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 65 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go to Rome, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of money in connection with evidence in this case, the testimony of Clinkenbeard establishes, if anything, that the facts are not as stated above and that Dr. Baker would not be a witness in this case.

many before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McKennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Braught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever get in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with Jim James Dawson in 1882, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Texas Commission were corrupted by any substantial use of money. So far as these witnesses have been able to ascertain, the money spent by the Dawsons might have been for some other purpose. F. M. Dawson gave a substantial amount of money to the Dawsons for the purpose of getting them in.

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Dunson, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Dunson signed Thompson's name, or whether Thompson affixed his own signature. Dunson testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or deception in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Such evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawsons' family, claiming from the same source, have been denied citizenship by subsequent Cherokee tribunals, and also by the Dawsons' ancestors. The Dawsons' ancestors, however, are not shown to be of Cherokee blood, and the Dawsons' claim is not shown to be of Cherokee blood.

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Texas Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1863, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts, applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1863; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1863, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been procured by fraud, and the Cherokee Legislature has power to order an investigation, and to create a tribunal, which may be authorized to investigate and decide upon the same.



by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis H. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna H. Atkins, Edward C. Atkins, George J. F. Atkins, Francis H. Dawson, Jr., son of Francis H. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola H. Dawson, Lancel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas F. Dawson, Marie J. Dawson, Orle H. Dawson, Harry E. Dawson, James W. Dawson,

(Group IV) Edgar Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Sam Gray, Small Gray, Walter Gray, John Gray

- Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna W. Bogle,  
John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,  
(Group V) Joseph R. Dawson, Clarence E. Dawson, Council I. Dawson,  
Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson,  
Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ernie C.  
Dawson, Edwin C. Dawson, Ancil F. Dawson,  
(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Oren  
Moore, James W. Moore, Edna H. Moore,  
(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Albert L.  
Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander  
Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,  
(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson,  
Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson,  
Virgil V. Patterson, William C. Dawson, Robert L. Dawson,  
Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E.  
Dawson, Ella L. Spickerman, Hellen J. Spickerman, William  
Glenn Spickerman,  
(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham,  
Gideon Graham, John W. Graham, Julius E. Graham, Francis W.  
Graham, Mary E. Graham, Jesse E. Graham, Gracie H. Graham,  
Florence H. Graham, Laverna A. Painter, Ada R. Painter, Ned P.  
Painter, John W. Painter, Ray D. Painter, Roberts A. Painter,  
Ray V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Glenn  
Bradshaw, Joe E. Graham, William C. Graham, John F. Graham,  
Ella H. Graham, Robert Lee Graham, Joe Willie Neal, James E.  
Graham, Marion Graham, Maggie Graham, Esther Graham, Floyd

Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna W. Bogle,  
John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson,  
Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson,  
Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C.  
Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Pora Moore, Walter Moore, Clara Moore, Osa  
Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Albert L.  
Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander  
Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson,  
Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson,  
Virgil V. Patterson, William C. Dawson, Robert L. Dawson,  
Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E.  
Dawson, Ella L. Spickerman, Hellen J. Spickerman, William  
Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham,  
Gideon Graham, John W. Graham, Julius E. Graham, Francis W.  
Graham, Mary E. Graham, Jesse E. Graham, Gracie H. Graham,  
Florence H. Graham, Laverne A. Painter, Ada R. Painter, Eva F.  
Painter, John W. Painter, Ray D. Painter, Roberta A. Painter,  
Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude  
Bradshaw, Joe E. Graham, William C. Graham, John F. Graham,  
Edna K. Graham, Robert Lee Graham, Joe Willie Neal, James H.  
Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd  
Graham,

(Group X) Ella Graham, Flora Graham, John H. Graham,

Twight Harmon, William D. Harmon, Toshie A. Jackson, Fannie  
Lenox, Dertie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,  
Fitty Richardson, Edear Flournoy, Walter Flournoy, Alice Flour-  
noy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna  
Flournoy, Finis T. Richardson, Jasper C. Richardson, Della F.  
Richardson, Etta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris G. Weddle,  
Roy Weddle, William D. Douthitt, Laverne A. Fishback, William A.  
Fishback, Annie B. Fishback, Florence Morgan, Glide Morgan,  
Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and  
Charley Mabry,

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 that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulasky,  
Mannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Jollie Pierce, John S. Begle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasigame, Mary A. Blasigame,

(Group VIII) Martin L. Patterson, Alice Patten, Sarah J. Patten,  
nee Jones,

(Group IX) John T. Graham, Elizabeth Graham, Esther A. Graham,  
Charles T. Bradshaw, Bonnie Graham,

(Group X) James H. Harsh, William H. Harsh,

(Group XI) Willie T. Harsh, Robert H. Harsh, James H. Harsh,

(Group XII) James F. Harsh, William H. Harsh, James H. Harsh,



enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis M. Dawson, son of Elbert Dawson, (embraced in D 827); Orlie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Eliza Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 558) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Lizzie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TALS BIXBY,  
Acting Chairman.

(Signed) T. B. MERRICK,  
Commissioner.

Signed at Muskogee, Ind. Ter.,  
this Dec. 23, 1902.

(Signed) C. B. ...  
Commissioner.

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

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 1st

1902

John Dawson,

Wagon, Indian Territory

Sir:-

You are hereby notified that the application of... yourself, your wife and nine  
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

17th 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 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 2-578

Register.

Yours truly,

Acting Chairman.

*J.*

*100*

CC.

DEG

1891  
FEB 1 1902

ALFRED CHAPMAN

COPY.

Cherokee D-354--

Muskogee, Indian Territory, January 24, 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 December 23, 1902, granting the application for the enrollment of Francis H. Dawson, Lula Dawson, Ray Dawson, Jessie F. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis H. Dawson, Jr., Samuel R. Dawson, August Dawson, Kate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Mattie De man, John Dawson, Robert E. Dawson, Iola H. Dawson, Lemuel K. Dawson, Rosa B. Dawson, Charles B. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Greta H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles T. Pierce, Emma Gray, Ocell Gray, Veltou Gray, Myrtle Akin, Emma Deale, James E. Eogle, Edna B. Eogle, John H. Eogle, Mary B. Eogle,



Claud Eogle, Nancy Edith Eogle, Joseph R. Dawson, Clarence W. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Hollis Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert F. Dawson, Elbert L. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Helen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Layonna A. Painter, Ada R. Painter, Eva Painter, John T. Painter, Ray D. Painter, Roberts A. Painter, Roy Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willis Deal, James H. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Terrance Woolley, Irene T. Woolley, Vilburn E. Woolley,

-5-

Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles F. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonso M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis H. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

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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,

(Signed) JAMES W. BERRY

Acting Chairman.

Enc. M-130.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

W. S. McKennon,

Attorney for Francis M. Dawson, et al,  
Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alfred Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Elizabeth Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Berman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles D. Dawson, Hattie J. Dawson, Jennings H. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna B. Bogle, John H. Bogle, Marvin B. Bogle, Claude Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.



Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert E. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John T. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toakie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John U. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Nellie A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Guld Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, George V. Jackson, Lillian Graham and Margaret Brown.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

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 both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the report of proceedings had in this case will be 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.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior.

Respectfully,

(Signed) TAMP BERRY,

Acting Chairman.

Enc. 16-45.

Register.

COPY:

Cherokee D-578.

Muskogee, Indian Territory, February 25, 1903.

John Dawson,

Wasson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself and your nine minor children, Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B., James U. and Vergal C. Dawson, as citizens by blood, and for the enrollment of your wife, Sarah J. Dawson, as a citizen by intermarriage, of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, 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 both your attorney and the principal 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,

Enc. K-13.  
Register.

Chairman.



COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph M. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle,

William A. Dawson, Joseph P. Dawson, Clarence E.  
 Dawson, Elder A. Dawson, Cleo Dawson, Rufus T.  
 Dawson, Elmer Dawson, James R. Dawson, Vinnie D.  
 Dawson, Ethel C. Dawson, Ancil P. Dawson, Mollie  
 Dawson, Walter H. Dawson, Clara Moore, Ora Moore, James W.  
 Moore, Henry A. Blasingame, Winnie C. Blasingame,  
 Elbert L. Blasingame, Ellis E. Blasingame, Paul D. Blasingame,  
 Alexander Blasingame, Elmer H. Blasingame, James R. Blasingame,  
 William A. Blasingame, George L. Blasingame, Grace D. Blasingame,  
 Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A.  
 Patterson, Edgar D. Patterson, Thomas K. Patterson, Virgil V. Patter-  
 son, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E.  
 Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen  
 J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V.  
 Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E.  
 Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham,  
 Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Paint-  
 er, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A.  
 Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw,  
 Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham,  
 Edna M. Graham, Robert Lee Graham, Joe Willie Seal, James M. Graham,  
 Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jack-  
 son, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon,  
 William D. Harmon, Toahie A. Jackson, Fannie Lenox, Birtie E. Lenox,  
 Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley.

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Edna Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Minis T. Richardson, Jasper C. Richardson, Delia P. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Etie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah P. Dawson, August Dulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Farmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

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) TAMS BIXBY,  
Chairman.

Enc. M-135.

Through the  
Commissioner of Indian Affairs.



COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, 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 matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

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

Respectfully,

(Signed) TAMS BERRY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McFennon,  
Attorney for Francis M. Dawson, et al.,  
Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, 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) JAMES DEERY,

Chairman.

Refer in reply to  
the following:  
LAND  
13855-1903.

COPY.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, Oct. 24, 1903.

CHEROKEE ENROLLMENT.

FRANCIS M. DAWSON, ET AL.,

GROUP 111.

The Honorable,  
The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting Group 1., relative to the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, there is transmitted herewith record relative to the applicants involved in Group 111.

D. 578, Group 111. page 3.

Jean Dawson applies for the enrollment of himself and his minor children, Robert B., Iela M., Lemuel H., Rosa B., Charles B., Mattie J., Jennings B. and James U., as citizens by blood, and for the enrollment of his wife, Sarah J. Dawson, as an intermarried citizen. He also applies for the enrollment of Vergal C. Dawson, who was born subsequent to the date of his original application.

D. 340, Group 111. page 7.

Thomas P. Dawson applies for the enrollment of himself and his minor child, Marice Dawson, as citizens by blood.

D. 530, Group 111, page 10.

Orle H. Dawson applies for the enrollment of himself and his minor child, Burr R. Dawson, as citizens by blood; also for the enrollment of his child, James W. Dawson, who was born subsequent to the date of his original application.

-----

John Dawson, (Group 111, page 1) was admitted to citizenship in the Cherokee Nation, January 11, 1883. He was married to Sarah J. Dawson nee Wood, October 11, 1871. He was admitted to citizenship by the Tehee court. The names of all the parties applied for by John Dawson, except those of James U. and Vergal C. Dawson, appear on the 1896 Cherokee roll. John Dawson's name does not appear on the 1880 roll.

Thomas P. Dawson, (Group 111, page 7), is a son of John Dawson, who was admitted January 11, 1883. He was a minor when his father was admitted. He was married April 24, 1898, to Allen A. Allison, and the minor child for whom he applies is the issue of that marriage.

Orle H. Dawson, (Group 111, page 10), is a son of John Dawson, who was admitted to citizenship in the Cherokee Nation by the Tehee Court, January 11, 1883. He was a minor when his father was admitted. December 28, 1899, he was married to Addie Dawson nee York, and the minor children for whom he applies are the issue of that marriage.



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The evidence in this case shows that John Dawson and his wife, Sarah J. Dawson, have resided in the Cherokee Nation since 1833; that Orle H. Dawson has resided there since 1833; and that Thomas F. Dawson has resided in the Cherokee Nation since 1833.

The Commission in its decision of December 23, 1902, held that all of the applicants above named were entitled to enrollment as citizens of the Cherokee nation--Sarah J. Dawson as a citizen by intermarriage and the other applicants as citizens by blood.

Attention is respectfully invited to office report of even date, relative to Group 1. of this case, and for the reasons therein stated the office believes that the decision of the Commission should be approved, except as to Sarah J. Dawson, who applies for enrollment as an intermarried citizen. The rights of intermarried Cherokees being before the Court of Claims for findings and an opinion, her application should not be passed upon at this time.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

G.A.W.-L.G.

D S 10513-1904.

COPY.

J.W.H.

IED 7442, 7446-1903. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

VHR.

March 31, 1904.

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

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the applications of John Dawson, et al., for enrollment as citizens of the Cherokee Nation. The record in said case was consolidated with that of Francis M. Dawson, et al.

In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. Group 3 will be considered herein.

This group includes the application of John Dawson and those claiming through him, and embraces cases designated by you as D. 578, D. 360 and D. 530.

The application of John Dawson, D. 578, was made October 15, 1900, for the enrollment of himself and his minor children, Robert B., Iola M., Lemuel H., Rosa B., Charles B., Mattie J., Jennings B., and James U. Dawson, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Sarah J. Dawson, as a citizen thereof by intermarriage. Subsequently an affidavit was filed for Vergal C. Dawson, the ninth child of said applicant.

The said John Dawson was admitted to citizenship in the

Cherokee Nation by the Texas court by its decree of January 11, 1883. He is identified upon the Cherokee rolls of 1883, 1884, 1894 and 1896. His wife, Sarah J. Dawson, is a white woman and is identified upon the census roll of 1896. They were married October 4, 1871, and have resided together in the Cherokee Nation since 1883. The seven elder children named above are identified upon the census roll of 1896. The two younger children are identified by birth affidavits on file with your Commission. The residence of all the children is considered to be that of their children.

The application of Thomas P. Dawson, D. 360, was made September 20, 1900, for the enrollment of himself and his minor child, Marice J. Dawson, as citizens by blood of the Cherokee Nation. Both of these applicants are identified upon the census roll of 1896 and the former was a minor when his father, the said John Dawson, was admitted to Cherokee citizenship. Thomas P. Dawson has resided in the Cherokee Nation since 1888. His child resides with him.

The application of Orle H. Dawson, D. 530, was made October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson, as citizens by blood of the Cherokee Nation. A subsequent application was made for James W. Dawson, a second child. Orle H. Dawson, whose name appears upon the census roll of 1896, was a minor when his father, the said John Dawson, was admitted to Cherokee citizenship. On December 28, 1898, he was married to Addie York. The children named above are the issue of that marriage and are identified by birth affidavits on file with your Commission. Orle H. Dawson has resided in the Cherokee Nation since 1883. His minor

children reside with him.

In your decision of December 23, 1902, you held that all of these applicants are entitled to enrollment.

In his report of October 16, 1903, relative to group 3, a copy of which is inclosed, the Commissioner of Indian Affairs recommended that your decision be approved except as to the application of Sarah J. Dawson, who applies for enrollment as a citizen by intermarriage.

The attorney for the Cherokee Nation protests against the enrollment of all of these applicants claiming that the decree of the Cherokee court of January 11, 1883, was obtained through fraud. His contention is considered untenable in the light of the opinion of the Assistant Attorney General of February 18, 1904, a copy of which was furnished you on February 24, 1904.

The Department concurs in your decision concerning those applicants who claim by blood. No action will be taken at this time relative to Sarah J. Dawson, who claims by intermarriage, inasmuch as the right of such persons to enrollment in the Cherokee Nation is now under consideration by the Court of Claims.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.



Cherokee D-578

Muskogee, Indian Territory, April 12, 1904.

John Dawson,

Wasson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 23, 1902, granting, among others, your application for the enrollment of yourself and your minor children, Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B., James U. and Vergal C. Dawson, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Charkees D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. Holliston,

Attorney for Francis L. Dawson, et al.,  
South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna B., Edward C., and George J. B. Atkins, John W., Albert H., Ralph H., Alford, Samuel B., August, Kate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert B., Isla E., Lemuel H., Rosa B., Charles B., Mattie J., Jennings E., James H., Vergal C., Thomas P., Mariee J., Orle H., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie K. and Myrtle Leaux, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse B., Gracie R. and Florence H. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Robert A., and



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of date of the 3rd of October, was reversed by the Secretary of the Interior on the same date.

Respectfully,

Commissioner in Charge.



Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

W. M. Hastings,

Attorney for the Cherokee Nation,

Tanlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 13, 1901, in the consolidated case of Francis ... Dawson, et al., granting the applications for the enrollment of Francis L., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William T. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. ... Atkins, John W., Albert L., Ralph K., Alford, Samuel R., August, Lane and Robert Dawson, Mattie Lewman, Josephine, Dora, Ida, Annie, Blanche, Ray and Oscar Dulawsky, John, Robert E., Iola M., Lemuel W., Rosa E., Charles L., Hattie J., Jennings E., James U., Vergal C., Thomas P., Mariee J., Orle M., Barr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Hamon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tampa W., Robert C., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy S. Painter, Florence C., Lynole and Claude Bradshaw, Joe A.,  
William C., Joseph, Anna and Robert Lee Graham, Joe Willie Neal,  
James L., Marion, Lizzie, Luther and Lloyd Graham, Lollie, Nora,  
Walter, Clara, Ora, James W., and Luna Edith Moore, Richard W. and  
Lina M. Brown, Milla M., Hellen T. and William Glenn Spickerman,  
Clara M., Ed. M., Robert L., and William C. Dawson, Zora, Sarah  
L., Martha A., Clara M., Edgar D., Thomas J. and Virgil W. Patterson,  
Joseph R., Clarence A., Council J., Elmer A., Cleo, Rufus T., Edgar,  
Wilburn, James W., Virginia J., Ernie J., Edwin J. and Ancil F.  
Dawson, Etta Brauer, Kitler, Delia F., Finis T. and Jasper Cecil  
Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Lina  
Flournoy, Tessie, Irene M. and William H. Keeley, Laverna A.,  
William H. and Annie J. Fishback, Ed. E., Curtis, Morris O. and  
Roy Weddle, Florence, Elide and Alice A. Morgan, John E. Fishback,  
Euna, Roy and Charley Barry and William D. Douthitt, as citizens by  
blood of the Cherokee Nation, and dismissing the applications for  
the enrollment of Cecil Dawson, Liddie and Margaret Graham as citi-  
zens by blood of the Cherokee nation; they having died prior to  
September 1, 1902, was affirmed by the Secretary of the Interior  
on March 31, 1904, and that the Commission's decision rejecting the  
applications for the enrollment of James, May, Zelma, Roberta, and  
Nosa Iowa, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

-3-

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED)

Commissioner in Charge.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Montgomery, Ala. Feb 9 1902

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
John Lawson et al for enrollment as  
[redacted] of the Cherokee Nation.

*Citizens*

A. S. McKeeman  
Atty. for applicants.

No. 12,2578



C. 19. 578

H

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

In the matter of the application of

*John Dawson.* for enrollment as a Cherokee Freedman  
No. I. D. *578* *Arthur Evans.*

*J. STARK* of lawful age, being duly sworn on  
oath states that on the *10th* day of *March*, A. D. 190*2* he registered  
to *John Dawson* whose postoffice is *Wagon,*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at *Washogee,* Indian Territory;

and that on the *14th* day of *March*, 190*2* he received the return  
card which is hereto attached, signed by the said *John Dawson,* showing  
that he had received said notice

Subscribed and sworn to before me on this the *13* day of *March* A. D. 190*2*

*Arthur Evans*  
*J. Stark*  
Notary Public.

# NOTICE!

IN THE MATTER OF the application of ~~John Lawson et al~~  
for enrollment as Cherokee citizens:  
Case No. D 578

To ~~John Lawson et al~~ *Wasson et al*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to ~~disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of~~ **Muskogee, I. T.** Indian Territory, on ~~Monday, 10, 1902.~~ or from day, ~~to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.~~

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this ~~10th~~ **10th** 1902.

*W. W. Hastings*  
Attorneys for the Cherokee Nation.

v.D. 578

95

**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
..... day of ..... A. D. 190..

Given under my hand this .....  
day of ..... A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
..... day of ..... 190 ..

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190 ..

Subscribed and sworn to before me  
this .....

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
MAR 13 1902

*[Handwritten signature]*  
ACTING CHIEF



Tahlequah, Indian Territory, May 7, 1904.

Commission to the Five Civilized Tribes,  
(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

There are returned herewith Cherokee doubtful cards as follows:

D-344, Florence Dawson;  
D-350, Martha A. Dawson;  
D-378, Sarah J. Dawson.

The applicants on each card, except the intermarried applicant, have been transferred to straight cards in accordance with the decisions of the Commission, and the cards are now returned to be retained in the office of the Commission at Muskogee until disposition has been made of the intermarried applicants.

The original jackets and records are also enclosed herewith.

Respectfully,

Cherokee  
10742

John Dawson et al.

For record in this case see  
Cherokee D-578

---

Joseph R. Dawson

Trans. from D 364

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I. T., SEPTEMBER 20th, 1900.

IN THE MATTER OF THE APPLICATION OF Joseph N. Dawson, with his children for enrollment as citizens of the Cherokee Nation, and in being sworn by Commissioner, E. B. Medlar, Certified as follows:

- Q What is your name? A Joseph N. Dawson.  
Q What is your age? A I was born in 1851.  
Q What is your Postoffice? A Aston.  
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? A About one sixteenth, or one eighth.  
Q For whom do you apply for enrollment?  
A Myself, wife and five children.  
Q What is the name of your father? A Robert Dawson.  
Q Living? A No sir.  
Q What is the name of your mother? A Jane Dawson.  
Q Is she living? A No sir.  
Q Is your name upon the authenticated roll of 1880? A No sir.  
Q By what right do you claim citizenship? A By being admitted.  
Q You present a certificate of admission from the office of the Commission on citizenship, dated Tahlequah, January 1st, 1883, signed by Thomas Tehee President of the Commission, Alex Wolf and T. F. Thompson, Commissioners; D. W. C. Duncan, Clerk of the Commission, certifying that among others one Joseph Dawson was admitted to citizenship on the 11th day of January, A. D. 1883. Are you the identical Joseph Dawson mentioned in this certificate? A Yes sir.  
Q How long have you lived in the Cherokee Nation?  
A Since August, 1883.  
Q You moved here the following August after you were admitted?  
A Yes sir.  
Q Have you been living here continuously since your admission, in the Cherokee Nation? A Yes sir.  
Q What is your wife's name? A Florence Jackson.  
Q When were you married to her? A In 1886.  
Q Have you a certificate of marriage? A Yes sir.  
Q The applicant also presents a certificate of marriage, certifying that he was married to one, Florence Jackson, on the 16th day of May, 1886.  
Q Florence Jackson is a non citizen? A No sir.  
Q She is a citizen? A Yes sir; she is on the rolls here.  
Q What is her father's name? A Green Jackson.  
Q Is he living? A Yes sir.  
Q Her mother's name? A Ellen Jackson.  
Q Is she living? A Yes sir.  
Q How old is Florence Jackson? A About thirty six.  
Q Have you been living with her continuously since you married her?  
A Yes sir.  
Q What are the names of your children? A Clarence Edward.  
Q How old is he? A I believe he was twelve years old last December.  
Q The name of the next one? A Corneil Janie.  
Q Is that a girl? A Yes sir.  
Q How old is she? A Ten years old.  
Q Name of the next one? A William Alexander.  
Q How old is William? A He is eight years old.  
Q What is the name of the next one? A Alice.  
Q How old is Alice? A She is four years old.  
Q What is the name of the next one? A Rufus T.  
Q How old is Rufus? A One year old.  
Q Have you any other children? A This youngest child.  
Q Are these children all living and living with you?  
A Yes sir.

- (1896 Roll, Page 461, #896, Joseph Dawson, Delaware District)
- Q Have you a certificate of marriage to your wife? A Yes
- I gave it to you a while ago
- (1896 Roll, Page 461, #897, Florence Dawson, Delaware District)
- (1896 Roll, Page 461, #898, Clarence Dawson, Delaware District)
- (1896 Roll, Page 461, # 899, Council Dawson, Delaware District)
- ( 1896 Roll, Page 461, #900, Elmer Dawson, Delaware District)
- (1896 Roll, Page 461 , #901, Cleo Dawson, Delaware District)

The name of Joseph R. Dawson appears upon the census roll of 1896: The name of his wife, Florence Dawson also appears upon the census roll of 1896, and the names of his children, Clarence Council, Elmer and Cleo appear upon the census roll of 1896, and he presents satisfactory proof of the birth of his youngest child, Rufus. He avers that he was married to one Florence Jackson in the year 1886, they all being duly identified according to the page and number of the rolls as indicated in the testimony, and makes satisfactory proof as to their residence.

Now comes the Chefokee Nation by its representatives, and contests the rights of the said Joseph R. Dawson, his wife and children, as to their Cherokee citizenship, and by reason of said protest, final judgment as to the admission of the applicant, his wife and family will be suspended, and their names will be placed upon a Doubtful Card, his wife as an intermarried citizen, and himself and children as Cherokee citizens by 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. Cravens.

Subscribed and sworn to before me this 21st day of September 1900.

(Signed) C. R. Breckinridge.

COMMISSIONER.

---:---

Edith L. Morey, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

*Edith L. Morey*

Subscribed and sworn to before me this 19th day of August 1904.

*Charles H. Sawyer*

Notary Public.



### CHEROKEES BY BLOOD AND ADOPTION.

49. *Joseph R. Dawson* Date *Sept 20* 1900.  
 Name *Arthur J.*  
 District *Delaware* Year *1896* Page *461* No. *896*  
 Citizen by blood *yes* '116 Mother's citizenship

Intermarried citizen  
 Married under what law *Parents Robert Dawson*  
 Date of marriage

License Certificate *None*  
 236 *Flora Dawson nee Jackson*  
 Wife's name

District *Del* Year *1896* Page *461* No. *897*  
 Citizen by blood Mother's citizenship

Intermarried citizen *yes*  
 Married under what law *Green Jackson*  
 Date of marriage

License Certificate *Ellen*

Names of Children:

No.	Name	Dist.	Year	Page	No.	Age
3	<i>Clarence E. Dawson</i>	<i>Del</i>	<i>1896</i>	<i>461</i>	<i>898</i>	<i>12</i>
4	<i>Conrad J.</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>899</i>	<i>10</i>
5	<i>Elmer J.</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>900</i>	<i>8</i>
6	<i>Clara</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>901</i>	<i>4</i>
7	<i>August J.</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>"</i>
		<i>Dist.</i>	<i>Year</i>	<i>Page</i>	<i>No.</i>	<i>Age</i>
		<i>Dist.</i>	<i>Year</i>	<i>Page</i>	<i>No.</i>	<i>Age</i>
		<i>Dist.</i>	<i>Year</i>	<i>Page</i>	<i>No.</i>	<i>Age</i>
		<i>Dist.</i>	<i>Year</i>	<i>Page</i>	<i>No.</i>	<i>Age</i>

1 on 1896 roll as Joseph's Dawson  
 3 " " " Clarence  
 4 " " " Conrad  
 5 " " " Elmer

7 Affidavits of birth supplied  
*(over)*

CHEROKEES BY BLOOD AND ADOPTION

Copy

This is to certify that I did solemnize  
with and publish the bonds of matrimony  
between Mr. Joseph Dawson & Miss  
Florence Jackson near the town of Afton, La.  
May 16<sup>th</sup> 1886.

Given under my hand this 30<sup>th</sup> day of  
July 1900.

Lewis S. Byrd  
Minister of the Gospel  
M. E. C. South.

5364

This is to certify that I  
did solemnize rites & publish  
the laws of Matrimony between  
Mr Joseph Donovan & Miss  
Florence Jackson near the town  
of Apton P.E. May 16<sup>th</sup> 1886

Given under my hand this  
30<sup>th</sup> of July 1888

Louis D Boyd  
Minister of the Gospel  
N. E. to South

19364

C-

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 29 1909

*[Handwritten Signature]*  
ACTING CHAIRMAN

IN RE  
Application for Enrollment of  
INFANT CHILD

*Rufus T. Dawson*

as a citizen of

*Cherokee* Nation.

Approved. *Sep. 25, 1900*

*I. B. Noddies*

Commissioner



*copy*

2364

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

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Rufus J. Dawson, born on the 18<sup>th</sup> day of May, 1899  
(When born name of child.)  
Name of Father: Joseph R. Dawson, a citizen of the Cherokee Nation.  
Name of Mother: Flornice Dawson, citizen of the Cherokee Nation.  
Postoffice Afton, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Flornice Dawson, on oath state that I am 36  
years of age and a citizen, by blood of the Cherokee Nation;  
that I am the lawful wife of Joseph R. Dawson, who is a citizen, by  
blood of the Cherokee Nation; that a male child was  
(Male or Female.)  
born to me on 18 day of May, 1899; that said child has been named  
Rufus J. Dawson, and is now living.

Witnesses to Mark:  
(Must be Two Witnesses.) Jas. P. Thompson  
R. H. Harper  
Subscribed and sworn to before me this 11 day of July, 1900  
my Com. Expires Jan. 14<sup>th</sup> 1901. J. S. Pruitt  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Jas. R. Dawson, a Physician, on oath state that I  
attended on Mrs. Flornice Dawson, wife of Joseph R. Dawson  
on the 18 day of May, 1899, 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 Rufus J. Dawson

Witnesses to Mark:  
(Must be Two Witnesses.) Jas. P. Thompson  
R. H. Harper  
Subscribed and sworn to before me this 11 day of July, 1900  
my Com. Expires Jan. 14<sup>th</sup> 1901. J. S. Pruitt  
Notary Public.

---

IN RE  
Application for Enrollment of  
INFANT CHILD

*Edgar Dawson*

as a citizen of

*Cherokee*

Nation.

---

Approved *Oct. 19* 1901

*I. B. Needles.*

Commissioner

---

Copy

8364

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

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Edgar Dawson, born on the 14<sup>th</sup> day of August, 1901  
Name of Father: Joseph R. Dawson a citizen of the Cherokee Nation.  
Name of Mother: Florence Dawson a citizen of the Cherokee Nation.  
Postoffice Afton I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Florence Dawson, on oath state that I am 37  
years of age and a citizen, by Blood, of the Cherokee Nation;  
that I am the lawful wife of Joseph R. Dawson, who is a citizen, by  
Blood, of the Cherokee Nation; that a male child was  
born to me on 14<sup>th</sup> day of August 1901; that said child has been named  
Edgar Dawson, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Florence Dawson  
James F. Collins

Subscribed and sworn to before me this 23<sup>rd</sup> day of August 1901.  
My Commission Expires Jan. 21, 1905. J. S. Pruitt  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

I, Dr. Jas. R. Dawson, a Physician, on oath state that I  
attended on Mrs. Florence Dawson, wife of Joseph R. Dawson  
on the 14<sup>th</sup> day of August, 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  
Edgar Dawson

WITNESSES TO MARK:

(Must be Two Witnesses.)

Jas. R. Dawson M.D.  
James F. Collins

Subscribed and sworn to before me this 23<sup>rd</sup> day of August 1901.  
my Com. Expires Jan. 21, 1905. J. S. Pruitt  
Notary Public.

Department of the Interior,  
Commissioner to the Five Civilized Tribes,  
Vinita, I.T., October 19, 1901.

In the matter of the application of Joseph R. Dawson et al.  
for enrollment as citizens of the Cherokee Nation.

Supplemental testimony on behalf of Florence Dawson.

Appearances:

Applicant present in person;  
J. L. Baugh, Cherokee Representative.

Florence Dawson, being duly sworn by Commissioner Hedges,  
testified as follows:

- Q What is your name? A Florence Dawson.
- Q What is your age? A 37.
- Q Your postoffice? A Afton.
- Q What was your father's name? A T. W. Jackson.
- Q Is he living? A No, sir.
- Q When did he die? A The 19th day of last March.
- Q What is your mother's name? A Ellen Jackson; I think they  
put it down Ella though.
- Q What was your mother's name before she married Jackson? A Her  
name was Ellen Dawson.
- Q The records of this Commission show that Green W. Jackson and  
his wife Ella, or Ellen, applied to be enrolled as Cherokee citizens  
at Vinita on the 22nd of September, 1900; are you the daughter of  
the said Green W. and Ella Jackson? A Yes, sir.
- Q Where were you born? A Texas.
- Q What is the date of your birth? A The 11th day of December.
- Q What year? A '63.
- Q Then on the 14th of September, 1901, you would be 38 years of age;  
you were born in '63 were you? A Yes, sir, '68 I guess it was,  
I made a mistake, some said it was '62, some said it was '63, and  
uncle said it was a mistake, said I was born in '63.
- Q Do you recollect about your father and mother being admitted  
by the Cherokee Council to Cherokee citizenship? A Yes, sir.
- Q Was your name in that certificate? A Why I don't know whether  
it was or not, I wasn't present at the time.
- Q What did your mother tell you about your birth? A '63 she told  
me.
- Q Now when did you remove to the Cherokee Nation from Texas? A Let  
me see, it is in the bible, I never thought to look, I have been  
here 18 or 19 years, I forget exactly, it was the 11th day of March,  
I have forgot the date, '83, I reckon it must have been, I am not  
certain.
- Q Were you married? A No, sir, I married in the Cherokee Nation.
- Q Have you lived in the Cherokee Nation continuously since that  
time? A Yes, sir.
- Mr. Baugh: What place in Texas did your folks live at? A Garveys  
county.
- Q What was the name of the postoffice? A Osage.

Commissioner: The records of this Commission show that  
on the 20th of September, 1900, Joseph R. Dawson applied for  
the enrollment of himself, his wife, Florence, and five child-  
ren. At that date applicant made satisfactory proof as to his  
admission to Cherokee citizenship, and said in his examination  
that his wife Florence was a Cherokee citizen, but at that  
time made no proof of her having been regularly admitted. As  
shown in the testimony taken at that time, the name of his wife  
Florence is identified upon the census roll of 1896. Now  
comes said Florence and states that she is the child of Green W.

Jackson and Ellen Jackson, and the records of the Commission show that Green W. Jackson applied for the enrollment of himself and his wife, Ellen, as Cherokee citizens by blood, on the 22nd day of September, 1900, being enrolled upon card D-593. Applicant avers that she does not recollect whether her name was included in the certificate of admission issued to Green W. and Ellen Jackson. In the application of the said Green W. Jackson for the enrollment of himself and Ellen, satisfactory proof is made as to him and his said wife having been admitted to Cherokee citizenship. No proof is made nor presented to the effect that the Florence Dawson, nee Florence Jackson, was at that time admitted, the certificate of admission not now being in the hands of the Commission. Applicant avers that she was born in the state of Texas in the year 1863, but proof as to the admission of her father, Green W. Jackson, and her mother, Ellen, is to the effect that they were admitted by the Cherokee Council on the 14th day of September, 1868. The supposition is that the applicant, Florence, wife of Joseph R. Dawson, was a minor at that time. ~~When~~ She makes satisfactory proof as to her residence; she will be listed for enrollment as a Cherokee citizen upon a doubtful card, awaiting the further consideration of the Commission, and the judgment in the matter of the former application of Joseph R. Dawson for the enrollment of his wife, the said Florence, is amended to the effect that the said Florence will be listed for enrollment upon a doubtful card as a citizen by blood instead of a citizen by intermarriage.

\*\*\*\*\*

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 24th of October, 1901.

*A. M. ...*

Commissioner.



RECEIVED  
DEPARTMENT OF THE INTERIOR  
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Washington, D. C. Feb 11 1867

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
John R. ... for enrollment as  
~~Member~~ of the Cherokee Nation.  
John R.

A. C. W. ...

No. 111

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

In the matter of the application of  
*Joseph P. ...* for enrollment as a Cherokee Freedman

N. D. 36

of ... being duly sworn on  
oath state that on the ... day of ... A. D. 1902 he registered  
to ... whose residence is ...  
Indian Territory a notice, a true copy of which is attached to this affidavit and he hereto  
attaches the receipt of the Postmaster at ... Indian Territory,  
and that on the ... day of ... 1902 he received the return  
card which is hereto attached, signed by the ... showing  
that he had received said notice.

Subscribed and sworn to before me on this the 13 day of ... A. D. 1902

Notary Public

# NOTICE!

IN THE MATTER OF the application of Joseph R. Dawson et al  
for enrollment as Cherokee citizens

Case No. D-364

To Joseph R. Dawson et al,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to **disprove your right to be enrolled** as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on **March, 17, 1902.** at **8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **March, 10, 1902.**

*W. W. Hastings*  
Attorneys for the Cherokee Nation.

C 364

PK

D364

**INDIAN TERRITORY,**

**CHEROKEE NATION**

I hereby certify that I served the within notice on

by delivering a true copy thereof on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1900

Given under my hand this

\_\_\_\_\_ day of \_\_\_\_\_ A. D. 1900

**Marshal for the Cherokee Nation.**

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

\_\_\_\_\_ day of \_\_\_\_\_, 1900

**Attorney for applicant.**

MAR 15 1900

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1900

Subscribed and sworn to before me this \_\_\_\_\_

**Notary Public.**

(DAWSON CASE)  
Cherokee D-364.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., October 3, 1902.

In the matter of the application of Joseph R. Dawson for the enrollment of himself and children, Clarence E., Council J., Elmer J., Cleo, Rufus T., and Edgar Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.  
Q What is your age at this time? A I guess 52.  
Q You are an applicant for enrollment as a citizen by blood are you?  
A Yes sir.  
Q What is your wife's name? A Florence.  
Q She is an applicant as an intermarried citizen? A Yes sir.  
Q What is her age at this time? A I think thirty-eight.  
Q When were you married to your wife Florence? A I think it was about 16 or 17 years ago.  
Q Where were you married? A I was married close to Ocumma, in Delaware District.  
Q Cherokee Nation? A Yes sir.  
Q Were you ever married prior to your marriage to Florence your wife?  
A Yes sir.  
Q How many times had you been married? A Once.  
I guess I made a mistake and Needles asked me a question of that kind and he scared me and I think I made a mistake.  
Q You think you answered that incorrectly, you want to correct it?  
A Yes sir.  
Q Was your first wife dead when you married your wife, Florence? A I don't know.  
Q Had you been divorced from your first wife when you married Florence? A Yes sir.  
Q Did you file a copy of your decree of divorce with the Commission?  
A No sir, I never thought of it; I got off and I forgot my children's names. I will have to write to Berryville, Arkansas and get it.  
Q Now has your wife, Florence, ever been married before her marriage to you? A No sir.  
Q You are her first husband? A Yes sir.  
Q And she is your second wife? A Yes sir.  
Q Have you and your wife, Florence, lived together as husband and wife continuously from the time of our marriage up until the present time? A Yes sir.  
Q Never have been separated during that time? A No sir.  
Q You were living together on the first day of September, 1902? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A I come here in, I believe, in the summer of '83 after I was admitted in January. I lived here all the time.  
Q You have lived here in the Cherokee Nation ever since you came there in 1883? A Yes sir, right around Afton.  
Q Has she lived in the Cherokee Nation all the time since you and she were married? A Yes sir.  
Q She never lived out of the nation since you were married to her?  
A No sir.  
Q Are these children Clarence E., Council J., Elmer J., Cleo, Rufus T., and Edgar, your children by your wife, Florence? A Yes sir.  
Q Are all these children living at this time? A Yes sir.  
Q And have these children lived in the Cherokee Nation ever since their birth up to the present time? A Yes sir, right at home with me.



2-Joseph R. Dawson et al.

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. Rothberger

Subscribed and sworn to before me this 18th day of October, 1908.

B. C. Jones  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and being sworn by Commissioner, C. R. Brookinridge, testified as follows:

- Q What is your full name? A Francis Marion Dawson.  
Q What is your age? A I am fifty eight years old.  
Q What is your Postoffice? A Ocoosa.  
Q What District do you live in? A Delaware.  
Q Who is it you want to have enrolled? A Myself and family.  
Q Your wife? A Yes, sir.  
Q How many children? A Six.  
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.  
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.  
Q How long have you lived in the Cherokee Nation? A Since 1883.  
Q Were you admitted by the Cherokee Commission? A Yes, sir.  
The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 14th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.  
Q That is your name is it? A Yes, sir.  
This is recognized as satisfactory evidence of the facts stated.  
Q Have you lived in the Cherokee Nation ever since your admission?  
A Yes, sir; in Delaware District ever since.  
Q Give us the name of your wife? A Katie Dawson.  
Q How old is she now? A Forty five.  
Q Was she admitted with you? A No, sir.  
Q Have you married her according to Cherokee law since your admission? A No, sir.  
Q You have not remarried since your admission? A No, sir; it was not necessary.  
The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. W. Spudlock, in Carroll County, Arkansas, the license being issued by the Clerk of that County.  
These papers are filed herewith.  
Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.  
Q Or at any other time? A No, sir.  
Q By act of the Commission or Council? A No, sir; she was placed on the rolls.  
Q On the census rolls? A Yes, sir.  
Q Give us the names of your children, please? A Lula.  
Q How old? A Seventeen.  
Q Next child? A Ray.  
Q How old? A Fifteen.  
Q Next child? A Joe de Jane.  
Q How old? A Fourteen.  
Q Next child? A Jacob Levy.  
Q How old? A Ten.  
Q Next child? A Mark A.  
Q How old? A No is what I believe.

How old is your child? A She is four years old.

How many children? A Yes, sir; six of them. I have others, but they

are not here.

Are they married? A No, sir.

Are they over age? A Yes, sir.

- (1896 Roll, Page 461, 1893, Francis Marion Dawson, Delaware.)
- (1896 Roll, Page 339, 1895, Katie Dawson, Delaware District.)
- (1896 Roll, Page 461, 1893, Lula Dawson, " " )
- (1896 Roll, Page 461, 1894, Ray Dawson, " " )
- (1896 Roll, Page 461, 1895, Jacob James Dawson, Delaware Dist.)
- (1896 Roll, Page 461, 1895, Jacob Levi Dawson, " " )
- (1896 Roll, Page 461, 1897, Hugh A. Deamore Dawson, " " )
- (1896 Roll, Page 461, 1898, Laura Alberta Dawson, " " )

Q Is this Lula or Luly? A Luly.

The applicant applies for the enrollment of himself, wife and six children:

Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1893; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission; she has never been remarried according to Cherokee law; she has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896. They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

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 16th day of September, 1900.

(Signed) C. R. Brockinridge,  
Commissioner.

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BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :  
of F. M. Dawson and others as :  
Cherokee citizens. :  
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Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. S. Denison in the Gray-Halsoll building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. S. DENISON:

- Q State your name, age, residence and occupation?  
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
- Q How long have you resided in the Cherokee Nation? A All my life.
- Q Are you a citizen of the Cherokee Nation as now constituted?  
A Yes, sir.
- Q Upon what is that citizenship based, blood or otherwise?  
A Blood.
- Q What, if any official position have you held in the Cherokee Nation, and at what time?  
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
- Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
- Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
- Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?  
A There were three, Tohee, Wolf and myself, Tohee was President of the Court.
- Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
- Q Did you have a clerk? A Yes, sir.
- Q Do you remember who that was? A D. W. C. Duncan.
- Q Do you know whether the members of that Commission besides yourself, are living or dead? A Yes, sir, they are both dead.
- Q Can you recollect now what period of time that Commission lasted?  
A About two years I think, two sessions, and there was one session each year.
- Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?  
A Yes, sir.
- Q Were the cases coming before that body heard in open session?  
A Yes.
- Q Witnesses examined orally? A Yes, sir.



- ...gments of the Court or Commission pronounced in secret.
- Q In case of decisions I think they sometimes had secret sessions, the judgments of the Commission were pronounced openly.
- Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony, we went into secret session.
- Q I will present you with a paper which the Notary will call exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by K. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?
- A I recognize the signature to it, but don't remember the instrument.
- Q Which signature on that paper do you recognize? A My own.
- Q That signature is in your own handwriting? A Yes, sir.
- Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.
- Q How as to Alexander Wolfe, a member of the Commission?
- A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
- Q Were you, and are you familiar with the handwriting of M. W. C. Duncan, the Clerk of that Commission?
- A Tolerably well, but it has been a long time since I saw any of it.
- Q Will you look at the paper again and say whether you recognize the signature attached thereto?
- A Yes, that is his signature to the best of my knowledge.
- Q Do you preserve any personal recollection of the application before that Commission of F. H. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by that Commission?
- A I remember F. H. Dawson and his brother, that is about the only ones I remember.
- Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
- A Yes, there was such a claim before the Commission.
- Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?
- A Yes, sir, he was always recognized as such, full blood Cherokee.
- Q What is your knowledge of Alexander Wolfe?
- A About the same, he was also a full blood and recognized as a Cherokee.
- Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. H. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
- A None whatever as far as I was concerned, and I don't think there was any by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

- Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
- A Yes, sir.
- Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
- A No, I don't know, that may be the original, if that is not the original I do not sign it, if it is the original I sign it.
- Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took ex parte

affidavits of witnesses when those witnesses were not present?

A I think we ruled ex parte evidence out, as well as I remember.

Q Did you have any stenographer or anybody to copy the evidence? Mr. Duncan did all of the copying.

Q Was the evidence copied and preserved?

A Yes, sir, I think it was.

Q What was done with that evidence, where was any of it ever put?

A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.

Q When you went into secret session did you have Mr. Duncan read that evidence to you?

A Yes, sir, we went over the evidence thoroughly.

Q Did you allow the applicants or their attorneys admission to any of your secret sessions?

A No, sir.

Q When you go ready to render your decisions did you then send for the applicants or their attorneys?

A No, sir.

Q And you rendered them in secret also, did you? A Yes, sir.

Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.

Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.

Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

Q I don't know that they did, particularly.

How would your court determine when they claimed descent through the Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

Q By the evidence they produced.

Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.

Q Who was the attorney for the Dawsons? A Old man Houston Bengo.

Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.

Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.

Q How long were you considering the case altogether?

A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time sitting in testimony.

Q There were only two or three witnesses examined all told, were there not?

A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.

Q Well the Court was a good while arriving at its conclusion after the evidence as closed?

A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.

A Sir name was Reese, I forgot his given name.

Q Do you now whether he is living or dead?  
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.  
Q What was he, a Cherokee by blood?  
A He was considered a Cherokee by blood.  
Q Do you know where he lived at that time?  
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

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Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,  
Indian Territory,  
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, herby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Miel Record Mortg. & Lins, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 18 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,  
TAHLQUAH, CHEROKEE NATION, JANUARY 11th, 1893.

-----  
Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,  
VS,  
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1893, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees 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 they should be, and they are heroby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan,	}	Thomas Tehee, President of Com.	}	
Clerk of Commission.		Alex Wolf,		Commissioners.
		T. F. Thompson,		

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883. D. F. C. Duncan, Clerk of Commission.

Executive Department,  
Tahlequah, Cherokee Nation.

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the  
Witness by hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,  
Asst. Ex. Secretary.

United States of America,  
Indian Territory,  
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. N. - N. P. Oct. 4, 1900." The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q Please state your name, age, residence and occupation?  
A My name is D. W. C. Duncan, my age is 70 years, my residence is Viola, Indian Territory, my occupation is a farmer.
- Q How long has that been your place of residence? A Since 1871.
- Q Are you a member of the Cherokee Nation as it is now constituted?  
A Yes, sir.
- Q Upon what is your citizenship based, a Cherokee by blood?  
A Yes, Cherokee by blood.
- Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?  
A About that time I held the position of Clerk of the Citizenship Court or Commission.
- Q If you remember the names of the members of that Commission or Court, please give them?  
A The President of the Commission was Temo, I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson.
- Q T. F. Thompson?  
A Yes.
- Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?  
A They are supposed to be citizens of the Cherokee Nation and their citizenship is based upon their blood.
- Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. B. Bragden, Clerk, and of John L. McAir Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?  
A Yes, I think I have seen this before.
- Q Then, and where, if you remember, did you first see that paper?  
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
- Q Looking at its date, was it drawn at you at the time it bears date?  
A To the best of my recollection it was drawn at the date specified.
- Q Do you recognize the signature to the certificate attached to that paper?  
A Yes, that is my signature.
- Q State if you know, in whose handwriting the body of the paper is?  
A It is in my handwriting.
- Q And at that time you were Clerk of that Commission? A Yes.
- Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?  
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
- Q Explain please, how you came to write the signatures of Thomas Temo and Alex Wolfe to that paper?  
A Thomas Temo and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.



Q Was that the usual manner of certifying to the action of the Commission to applicants on to the decision of their application for citizenship, where admitted?

A In all instances here it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Teehee's and Wolf's names and T. F. Thompson to sign his own name.

Q You didn't catch exactly by idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was put red upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q If you had any knowledge at the time the application of the Dawson family, F. H. and others whose names are mentioned in the paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. H. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?

A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the clerk.

Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Teehee's name and see if it is not all your own handwriting?

A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q How was the evidence taken in those cases?

A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existence or not?

A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.

Q You say you never heard any talk about this being an improper case until very recently?

A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.  
My commission expires 2/3/1902.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., April 8, 1903.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation, He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.  
Q How old are you? A Soon will be sixth years old.  
Q What is your postoffice address? A Afton now, it used to be Osage.  
Q What was the name of your wife? A My first wife was Julia Ann Howard.  
Q She was a white woman? A Yes, sir.  
Q When were you married to her? A I think it was the 8th of January, 1864.  
Q Where were you living at that time? A In Arkansas.  
Q Who married you? A A man by the name of Dave Sturdy.  
Q Was he a preacher? A Yes, sir.  
Q A Minister of the Gospel? A Yes, sir.  
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.  
Q Did you have any children by her? A Yes, sir.  
Q What are their names? A Willia R. Dawson.  
Q The next one? A Francis Marion Dawson Jr.  
Q The next one? A Johnnie.  
Q The next child? A Elizabeth.  
Q The next one? A Arizona Allred.  
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.  
Q How old are you? A I will be 51 the 13th day of June.  
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.  
Q How are you related to him? A Brother.  
Q Did you know his former wife, Julia? A Yes, sir.  
Q Is she living or dead? A She is dead.  
Q Was she a Cherokee or white woman? A I couldn't say what; when they married in the states.  
Q Do you know when he was married to her? A Yes, sir.  
Q When was it? A About the close of the war.  
Q Who married them? A Parson Sturdy.  
Q Were you present when they were married? A Yes, sir.  
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.  
Q How old are you? A 50 years old.  
Q What is your postoffice address? A Afton.  
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Mad Dawson.  
Q How long have you known him? A My first acquaintance with him was in '61.  
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.

Q Were you present at the marriage? A No, I wasn't present at the marriage.

Q Did you see them soon after their marriage? A Yes, sir.

Q Did you continue to know them for any length of time afterwards? I knew them as long as she lived.

Q During the time you knew them did they live together as husband and wife? A Yes, sir.

Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:  
Arizona Allred et al D-535, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

—o—

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

(Signed) E. G. Rothenberger.

Suppl.-C. D. #324.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the  
following proceedings are had:

APPEARANCES:

Mr. A. S. McKennon, of counsel for applicants;  
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case  
and announces that it is ready for trial, provided permission is  
given to hereafter examine before the Commission, either at this  
place or Fort Gibson, the witness S. H. Benge, who has been regularly  
summoned to attend at this day and time but who is too sick to  
travel at this time and probably will be for some time to come. As  
evidence of a good faith of the Nation we hereby present an affidavit  
of the facts sought to be proven by the said Benge. If the applicant's  
counsel are willing to concede that the witness if present would  
testify to the facts herein set forth, the Nation is ready to  
proceed to trial without reservation of any kind. If they are not  
it desires to reserve this privilege of hereafter, either tomorrow  
or otherwise, this case being set for to-day and tomorrow, of  
examining before the Commission, or its authorized officer, this  
witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the  
paper presented and do not admit that the witness, Samuel H. Benge  
if present would testify to the facts therein stated. They consent  
and desire that the testimony of said Benge be taken before the  
Commission at its office in Muskogee but not elsewhere, and protest  
against it being taken at any other place, with the understanding,  
however, that when taken we have opportunity to introduce any evidence  
we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing Counsel,  
their client and Commission officers in taking the deposition at  
Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are  
material in their character and are quite tangent. The Commission  
of its own volition would acquire information of that character if  
it knew of its existence anywhere. While the functions of the  
Commission, as well known are in many respects judicial, yet it is  
bodied with somewhat complex powers, such as Congress creates from  
time to time to do business of certain character, and it is ordered  
to make a correct roll, which is a duty largely independent of  
hearing simply what is brought before them; it must be the architect  
and constructor of that roll and if evidence is not brought before  
before the Commission it must go out and get it, to be uniform on  
that construction of the law. The Commission, therefore, desires  
this information independent of any counsel on either side both with  
respect to the applicant and to the Nation, and if this witness is







- Q That is Samuel B. Dawson, Riley Dawson? A Yes, sir.
- Q Any other ones? A That is all I know anything about.
- Q Did he have any child by the name of John? A Yes, Jack.
- Q Didn't you get Jack displaced with John? A No, it was John; I have heard my father speak of him.
- Q Then they have seven children? A I never saw them all.
- Q How many of them did you ever meet? A I met Uncle Riley Dawson and James Dawson, a brother of James and Riley and Betty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.
- Q Do you find what your family history says that the father of your grandmother, Fannie Rogers' name was? A We have no history.
- Q Well, as it was brought down to you; did you ever hear anybody say what your great-grandmother's name was? A No, I don't remember.
- Q What is that other man, Oliver Killarhat testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
- Q Well, didn't anybody testify in your case but Dr. Baker? A Yes, sir, several other witnesses.
- Q Who were they? A I don't remember; my father got them witnesses around Tahlequah, old people.
- Q Were you present? A No, sir.
- Q You were only present when Dr. Baker testified? A Yes, sir.
- Q Now, do you find any mistake in Dr. Baker's statement there? A I could not say all of that was correct or not, part of it is correct.
- Q What part is correct? A My about knowing the family over there.
- Q Who is Buck Dawson? A My brother.
- Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
- Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
- Q The first time? A I met my brother in Texas.
- Q What name? A B. Dawson.
- Q That is Elbert or Buck? A Yes, sir.
- Q You were living in Arkansas? A Yes, sir.
- Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.
- Q Dr. Dawson now? A Yes, sir.
- Q What is his name? A James.
- Q And you three brothers? A Yes, sir.

Dr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the commissioners in admitting members of the Dawson family.

The objection of an attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for a divorce serves examination.)

Witness, being duly sworn, testified as follows on the above-stated motion:





Under section 21 of the sixth law as it is commonly called Act of June 22, 1838, the officers of the said nation shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and for papers and persons, and the courts in which the authority to enforce obedience, the law shall be enforced, shall have power to say as they see fit, and shall have power to punish anyone who may in any manner or by any means obstruct said work. Now, the court will report the facts to the United States court and let the court decide whether or not you are vit in your legal privileges. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming that what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the court to deal with.

Q Now, Mr. Taylor, in regard to the 1st question asked you by Mr. Hutchings, one of the counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States court do you refuse? A Yes, sir.

Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the court or to any of the officials of the court; if you refuse to answer the question as to whether or not there was any collusion between you and Mr. Dawson and any person or persons, I understand that you refuse to answer that question, and I direct that you answer Mr. Dawson's attorney? A Yes, sir.

Q Now, I direct that you answer that question, do you refuse? A Yes, sir.

Q I shall also report that refusal to the United States court as it seems to come under the provision of law relating to conspiracy between you and Mr. Dawson which apparently constitutes a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the court and you will be informed at the time of any proceedings in the matter I mention you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. Hutchings' affidavit is not subject and have not objected to the witness appearing as a witness of his privilege as an attorney, or for any other cause, but they only want to object to the lawfulness or irrelevance of the testimony, with the privilege of objecting upon the testimony given by the witness.

COX'S DEEDS

Q You still refuse to answer the questions of the attorneys in the case to Mr. Cox's deed, do you refuse to answer the questions, do you refuse to answer until further order of the court? A Yes, sir.

It will next fall to the court to decide whether or not the law is applicable to the facts of the case. The court will report the facts to the United States court and you will be informed at the time of any proceedings in the matter I mention you not to talk with Mr. Dawson or any of the applicants in this case.



Supl.-C. D. #124.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS H. DAWSON ET AL., as citizens of the Cherokee Nation:

Applicants:

Mr. A. S. McKennon, of Counsel for applicants.  
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows  
on part of the Cherokee Nation:  
W. T. HUTCHINGS:

- Q State your name? A Samuel H. Benge.
- Q Where do you reside? A Fort Gibson.
- Q How old are you? A I am 70 years old, going in 71.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
- Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several; I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1808, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
- Q Were you acquainted with F. M. Dawson, commonly called Bud Dawson? A Yes, sir; I know him.
- Q State your connection with and what you know about his citizenship case before what is known as the Thomas Pence citizenship court? A Mr. Dawson came down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1881 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the court for trial, and the court went to work and rendered a decision against Mr. Dawson.
- I told Mr. Dawson right there that "our case is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no motion nor any evidence at all whatsoever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, my wife got to talking about the case and I told him: "It was a pretty hard blow when they rendered that decision against us." He said: "yes, but Dawson was the man to punch", but he was not the man to punch.
- Q What position did Dawson occupy? A He was clerk of the Court.
- Q How long did he stay there, sir? A He was there for some time.
- Q How many of these could speak English at all? A One.
- Q Which one? A That's all.
- Q Who was the attorney that represented the Nation in those cases? A The Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?  
A Wilson Sanders.

Q Was he an educated man, or could speak English well? A No, sir.

Q Did Mr. Dawson say anything about the matters having cost him a  
good deal of money? A He said it had cost him a right smart.

Q Was any remark made on the way back about the opening up of the  
case, and if so, what? A He asked me if I thought the case was  
ever investigated eventually and I told him I didn't know.

MR. McKINNON:

Q Were you ever a witness in the Dawson case, Judge, in any of  
those investigations that have been made since that time? A I  
don't know that you might call it a witness; that young man come to  
me once at Tahlequah, and asked me to help him up there that the  
case was going against him, him and his mother and all was about  
knocked out and I interceded and done what I could there before the  
committee. I was not a witness but that is what I don't for him.

Q That was Mr. Graham, wasn't it? A Yes, sir.

Q Have you had conversations with Mr. Graham since that time about  
it? A Now, I might, I don't recollect, I might have had conversat-  
ions with him.

Q Well, after the Daves Commission began taking a census of the  
Cherokees and when they were about Sallican down here, did you have  
a conversation with him here in Fort Gibson about the matter?

A Now, I just can't tell you; I have seen him on several occasions,  
but the conversations we might have had I can't state.

Q To refresh your memory I will ask you if he did not tell you  
that they were making a fight on the Dawson family and he wanted to  
know of you whether that judgment in favor of Robert Dawson's family  
was fairly rendered, and did you not then tell him that it was all  
right, that it was fairly obtained? A Not as I recollect of; all  
he said that is as I have stated he talked to me in regard to  
his mother, himself and probably his brothers and sisters, I don't  
recollect how many there were, but he told me they were rejected,  
that is just the words he used.

Q Where? A It was some time ago.

Q Where in Fort Gibson? A Well, that is I saw him here in Fort  
Gibson, and then I saw him in Tahlequah.

Q Well, did you here in Fort Gibson ask you particularly about the  
Robert Dawson judgment, as to whether it was fairly obtained or not?

A No, sir; he was basing his claim on the Dawson case, that is the  
way he-

Q What is the principal Dawson family? A Yes.

Q When was this other written statement here made, when was this  
made by you? (referring to affidavit heretofore referred to.)

A Yesterday I spoken.

Q Who came to take this? A Mr. Starr.

Q Who else was present when this was taken? A No, sir.

Q How had you told about this matter, Judge? A No one as I know  
of.

Q Are you in a way that they knew that you know this?

A No, sir.

Q You never made any statement? A Never made any statement that  
I recollect of except I might have talked with people, he said he

talked with me some good many times, if I ever saw him, I  
want to know he was in Tahlequah.

Q How did Mr. Starr know? A I could not tell you how Mr. Starr  
know.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said "what case," and he went to work on the Gibson case and Dawson case.

Q And thereafter you made that judgment? A He said he wanted to qualify me.

Q Are you certain Judge [redacted] after the rendition of that judgment Mr. Dawson came back here to For, Gibson with you?

A Yes, sir; we was together.

Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tarlequah the next day or two after he left? A My recollection was he and I went together.

Q And returned here together? A Yes, sir.

Q Did he not leave you there and go back direct to Arkansas?

A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.

Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.

Q How did they pay you? A Paid me the money.

Q Who paid it to you? A Dawson there and that fellow, young fellow, paid me some.

Q Mr. Graham? A Yes.

Q At the same time? A Oh, no, he wanted me to intercede for him at Tarlequah and paid me to do something for him which I did.

Q I will ask you if Mr. F. W. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you, if I ever got a letter or Buck whatever you might say, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.

Q Where did he pay you the money? A Paid it here at home.

Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundred dollars.

Q You were acting as his attorney in the case? A Yes, sir.

Q How many judges were there present when the judgment was rendered?

A In his case?

Q Yes, sir. A Well, according to my recollection there was all there, but if they were not all there, Tom Thompson was sick, Tolson and Wolfe.

Q Don't you remember that they were all present? A No, I think they were present though.

Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.

Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.

Q And several in the house when the judgment was rendered the

I don't know I was there about that time.

Q Tending to this case alone, or did you have other cases? A No, sir.

Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Nathan Proctor)?

A I don't know whether the judges received any or not.

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 had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

G. H. TAYLOR takes the stand and continues his testimony.

BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.

Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you know of, whether they were good ones or bad ones?

A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.

Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.

Q Did you see him again that night? A Yes, sir; after supper I went down to his room.

Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.

Q Which Dawson was you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to court.

Q Did you find Dawson after supper? A Yes, sir; I found him and bring Dawson down and I did not; Dawson was in court.

Q You carried Dawson to him? A Yes, sir.



- Q Did you remain during the conversation? A Only a minute.
- Q What was said if naything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
- Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
- Q Did you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together yourself? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
- Q The next morning? A Yes, sir.
- Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q Was it called up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
- Q Could they speak english at all? A Teehe could talk a little, talk some.
- Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
- Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
- Q And was the decision rendered that morning in their favor? A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I remember he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
- Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
- Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundrd dollars more.
- Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it.
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Was there any testimony? A Yes, sir.
- Q Was there any testimony in the case? A Yes, sir; I was there in the old Nation.



Q When did you come to the Cherokee Nation? A Come here in 1886.

Q How long have you been practicing law in the Cherokee Nation?

A I think since '88.

Q You have done a great deal of citizenship business haven't you?

A Yes, sir.

Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.

Q Were you convicted there? A Yes, sir; I was convicted there on this very case.

Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.

Q When was that? A I don't remember how long ago it has been.

Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.

Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the rail for fraudulent purposes.

Q Sending out propositions and obtaining case for citizenship for people in the Cherokee Nation? A No, sir, it was for answering correspondents.

Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.

Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the rail for fraudulent purposes.

Q The use of the rails for fraudulent purposes not in connection with the Dawson case? A Not particularly in this case.

Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is that you read to say? A Yes, sir.

Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.

Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.

Q You had told that of these particulars before you came on the witness stand did you not? A Yes, sir.

Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.

Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.

Q He had no power to compel you to make a statement? A Yes, sir.

Q You could have made it voluntarily and your conscience is clear?

A Yes, sir.

Q You could have made it voluntarily and your conscience is clear?

A Yes, sir.

Q You could have made it voluntarily and your conscience is clear?

A Yes, sir.

Q You know what I gave him that information that you would be brought in to be a witness, did you not, by reason of that?  
A No, I didn't know that I would be compelled to make a statement in the matter. I wasn't.

Q You thought you would not be compelled to answer?

A I didn't think the law would compel me to make a statement.

Q Why then did you make a statement to him about it? A Oh, he was asking me at that, and I told him what I didn't want to make a statement, and I didn't for quite a while after I came down here.

Q When the enrollment division of the Dawes Commission was in Tulsa, Oklahoma, in the winter of 1907, did you not there meet F. M. Dawson and did you not then and there say to him that you told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and he came to you? A No, sir; I said to him this: "I hope that if there is not something done that I will likely be summoned against you and Mr. Shoemaker both."

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he said it.

Q When you told him that something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you on one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I mean, if I was employed in the case.

Q If he would put up you would not testify? A That they could not force me to testify.

Q About the month of February, 1907, in the town of Wagner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham: "you people are on the doubtful list and if you will give me \$500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on?" A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.

Q You did not say to him then what I have embraced in that question here? A No, sir.

Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.

Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not yesterday morning on the street in Muskogee, Indian Territory, in a conversation with V. H. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? Q No, sir; I says to Mr. Shoemaker, I says: "who have you employed in your case," and he says "Judge Thomas or Mr. Owen." I said "It might have been a advantage to you if you had retained me in your case;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came so fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I won't if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant to say if you had wanted to answer you would have gone to jail? A No, sir; if they had employed me before hand I don't know now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you think that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you know that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intirvied to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, I told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says "I'll do the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it won't make any difference or so either, to that effect.

Q Now, don't you know that Mr. Hastings did not intirviate to you that the statement he was asking you to make would not be used?

A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

- Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
- Q Now, then, you say that you were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
- Q You were present in Tahlequah? A Yes, sir.
- Q How long had you been at Tahlequah? A I was living there at that time.
- Q When were you first employed by them? A By Dawsons?
- Q Yes, sir. A The evening before the case was tried.
- Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.
- Q And told you to hand to Duncan? A No, sir.
- Q What was your statement? A That he paid me \$20 and says "I will send you some more in a short time, week or so.
- Q And then he sent you \$100? A Yes, sir.
- Q And wrote you to give D. W. C. Duncan \$50 of it? A Yes, sir.
- Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.
- Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.
- Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being \$50 or \$100--I went to Stapler's and got him to cash the check and give him his part of it.
- Q How much did they pay you for your services? A That is all I got.
- Q How much? A I think it was \$100, \$120.
- Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
- Q Submitted it without remarks? A Yes, sir.
- Q And for that you say they paid you \$120? A Yes, sir; \$120.
- Q Was Houston Benge present when that was one? A No, sir; I don't think he was.
- Q Did you see him then at that time in Tahlequah? A I don't remember.
- Q Were you associated with him in any manner in connection with the case? A No, sir.
- Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
- Q Were you paid like fees in other cases for like services? A Yes, sir.
- Q In many of them? A Yes, sir, good many.
- Q All like cases? A Oh, citizenship cases.
- Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Bellette can remember, he was there, he was my attorney.
- Q Was it about 1883? A It was somewhere along there, along in 1890 somewhere.
- Q That has been your principal business as a lawyer, has it not? A Yes, sir.
- Q You have never practiced such in any other way have you? A Very little.
- Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q Did you make an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$50 a family for doing that? A Yes, sir.  
Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HUTCHINGS:

Q At that time that the attorney for the Nation was talking to you about the Nation case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you were at that time before you knew anything about whether you were to be coerced or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case? A Yes, sir; that's what I said.

Q You told him at the same time that you not only expected to claim you were an attorney in the case, but that you told him, Mr. Hastings, that the full belief that the Court would sustain your suit? A Yes, sir.

Mr. McKenyon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKENYON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Afton.

Q How old are you? A 73 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of F. H. Dawson and the other Dawson? A I know old man James Dawson.

Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.

Q How long have you known him? A Well, some four or five years, I guess.

Q How long? A Four or five years I think.



Q When did you come to the country? A I have been in the country 70 or 75 years.

Q Well, when did he come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.

Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

1. P. MCKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

1. R. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 56.

Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Buck Dawson?

A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharbow.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

A Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?

A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witnesses I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 35 or 36 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.

Q Well, what did he say about the doctor's knowing anything?

A Well, he said he was 35 or 36 years old and didn't know straight up.

Q Well, did he say anything about giving him whiskey?

A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.

- Q Did he say anything about the money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money would not make a care go down in Texas and he said "I come to get the care of the land" and he says "I found out it goes here," or words to that effect.
- Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
- Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
- Q Well, where did he go from there? A He and I left there together; he went to Muskogee by way of Fort Gibson and there we parted.
- Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
- Q Where? A Vinita.
- Q Did you refer to the citizenship matter? A I asked him how he came out and he said all right.
- Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.
- I. R. HOKKEMON:
- Q Your first conversation with him was in '81 was it? A Yes, sir.
- Q What time in '81? A September.
- Q You were then an applicant for citizenship? A Yes, sir.
- Q Have you admitted? A No, sir.
- Q You are still an applicant? A No, sir.
- Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
- Q What business are you in now? A I am running a dairy in Vinita.
- Q When did you make representations now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
- Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
- Q You don't know how they found that out? A No, sir.
- Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
- Q Now, did you approach him or did he approach you? A He approached me.
- Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
- Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know what it was; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
- Q Now, he said that did he? A Yes, sir.
- Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
- Q You say you next saw Dawson at Vinita? A Yes, sir.
- Q How long afterwards was that? A About two years, I think something near that.
- Q Did he come to the Territory? A Yes, sir; he lived at Vinita at that time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.

Q Do you run a dairy wagon there? A No, sir.

Q You serve on the jury a good deal? A I have been serving on the petit jury there this winter.

Q Generally? No, sir.

Q Were you ever a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Penokee Station:

MR. MITCHINGS:

Q What is your name? A C. G. Braught.

Q What is your age? A 62 29th day of last January.

Q What is your post office? A Fairland.

Q How long have you been living in the neighborhood of Fairland?

A Been living there 19 years.

Q Do you know one Bud Dawson or F. M. Dawson as his name is?

A I do.

Q How long have you known him? A About 13 years.

Q How close do you live from him? A Half a mile of him.

Q Does he still own that place? A I think he does.

Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.

Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.

Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the like that you had these conversations or near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.

Q Did he state the name of that witness? A No, he did not.

Q Where did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get their in at one hundred dollars apiece.

Q Do you know what time of the year that was, whether it was in the summer or not? A I think it was in June.

Q Did he make any other statements to you at any other time?

A No, sir, I don't think he has in regards to that matter.

Q You have been living neighbors with him? A Yes, sir.

MR. MCKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.

Q You were an applicant; were you admitted? A No, sir.

Q Have you been admitted? A No, sir.

Q You are still an applicant? A Yes, sir.

Q Still trying to get in? A Yes, sir.

Q Where was this conversation had? A Had at Bud Dawson's house.

Q What part of the premises? that is, in his residence?

A Yes, sir.

Q In the house? A Yes, sir.

Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.

Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.

Q Just one room? A Yes, sir.

Q And in that case, would this statement to you? A Yes, sir.  
Q He and you are enemies are you not? A No, I don't think we  
are enemies.

Q You are not his enemy? A Friendly part of the time,  
and part of the time I am not.

Q Haven't you ever had any trouble about the lands between  
you and him? A No, I haven't had any trouble.

Q Didn't you ever get arrested recently for a difficulty?

A Yes.

Q About what time did you get arrested on that term with him?

A That was in the fall of 1902, I was down right right along all the  
time.

Q Is it not true that you were there to be have been all the while at  
outlet of the river?

Q You didn't have any conversation with him, towards him? A No, sir.

Q Did you ever get arrested on that term? A I said no, sir, I didn't have  
any trouble with him.

The Court said: The Commission adjourns until 3:30  
o'clock, P. M., on Monday.

March 19, 1903.

Commission convened pursuant to adjournment.

APPEARANCES:

Mr. W. S. McKennon, of Counsel for Applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

J. E. McKENNON:

Q Mr. Braugh, you were a claimant under the Watts family are you  
not? A Yes, sir.

(witness excused.)

CHARLES D. KINNEY, being duly sworn, testified as follows  
on part of the Cherokee Nation:

MR. HUTCHINGS:

Q Let me ask you, Charles D. Kinney.

Q What is your last office? A Dawson now.

Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed  
to be.

Q Recognized as such are you? A Yes, sir.

Q How old are you? A There is no family record, my parents died  
when I was young, I just guess at my age, I am somewhere between  
44 and 45 years old.

Q Were you personally acquainted with one Elbert or Buck Dawson?

A I knew Buck Dawson when I saw him.

Q Did you know him in the state of Texas, in so state what time?

A I knew Buck Dawson, knew him and saw him at different dates in  
Texas.

Q Well, in the year '81 in Clay County, Texas, did you ever see him?

A It was in '81 or '82, I think I knew him in both years.

Q Did you ever have any conversation with him in the presence of  
Bill Smith, Jiles Flippin and Joe Pleaston about his application  
for citizenship in the Cherokee Nation? A Mr. Dawson and Flippin  
were talking in regard to grass down there before we saw him.

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be mucking cattle, I would have stock eating my grass."

Q "What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass."

Q "Who was that? A Buck Dawson."

Q "Well, did anybody suggest about his going to the Cherokee Nation?"

A "Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people," and he says "are they all white like you?" and Jiles spoke up and says "majority of them."

Q "Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punches, and Mr. Flipin says "Hell, I am going; brother John is getting ready to go now."

Q "Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hooley Bell was counted the brainiest man in our country."

Q "Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?"

A "No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him."

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:

Q "Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Russ County, Texas. B. F. Alberty was my guardian."

Q "Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date."

Q "About what time? A It was sometime in '80 though."

Q "What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council."

Q "When? A I think it was in '87 or '88."

Q "Haven't you been arrested for crime and charged with crime?"

A "Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande."

Q "For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road."

MR. HASTINGS, of Council for Cherokee Nation:

Q "Were you ever convicted? A No, sir."

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:

LP. HUTCHINGS:

Q "State your name, please? A Thomas B. Babeart."

Q "What is your post office? A Melvin."

Q "What is your age? A 49."

Q "Are you a Cherokee by blood? A Yes, sir."



- Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
- Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
- Q Did you know Aaron Butler? A Yes, sir.
- Q Who was he? A He was a Cherokee Interpreter for the Court.
- Q Do you know James Smith? A Yes, sir.
- Q Who was he? A He was the Nation's attorney before the Court.
- Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.
- Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
- Q Well, did he say anything about whether he could get his case submitted if he had some more? A Well, from the language to me a d Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
- Q Well, did you let him have the ten dollars? A Yes, sir.
- Q Where did they go then? A They walked off up towards town.
- Q Did they go together, those three? A Yes, sir.

MR. MCKENNON:

- Q Was that James Dawson, the leading applicant in that case? A Yes, best of my recollection that was.
- Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
- Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
- Q Is he living or dead? A I don't know.
- Q Where have you been living? A I have been living down here near Tahlequah.
- Q What was the man's name, Dawson's name? A Jim Dawson I think.
- Q You are certain of that? A Yes, sir; I am pretty certain.
- Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
- Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
- Q When did you first make a statement of this matter to anybody? A I guess—I don't remember when.
- Q How long have you been in Muskogee this time? A I have been here since, I was summoned here last Friday.
- Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
- Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.
- Q Were you born a citizen? A Yes, sir.
- Q You weren't admitted to citizenship by the Courts or Council? A No, sir.
- Q You have been living in the Cherokee Nation all your life? A Well, I was born and raised here; ; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, by recollection.

Mr. McKemmon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in y young days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what?

A None but the Cherokees, the full-bloods called him Joe Aney.

Q What does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know;

he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.

Q The Dawson case was talked of here for many years, they claiming kin?

A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKemmon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q That relation known to the witness? A Well, I am not acquainted with none of these persons, but I am a cousin, that is what he told me.

Q Who was your father? A Samuel Riley Dawson.

Q What did you know of your grandfather? A Riley Dawson.

Q Do you know what name he was? A Samuel Riley Dawson.

Q That children of your grandfather, that is, you mean his children or his grandchildren?

Q I don't know all of his children, but I don't know, I will have to sit a while on that one, I don't know all of them.

Q Did you ever see your grandfather, Samuel Riley Dawson?

Q Yes, sir.

Q Was she a daughter of your grandfather? A Yes, sir.

Q How many were his children? A Seven, Samuel Dawson?

Q Was Sam Dawson your father?

Q Yes, Dawson was his name, sir.

Q What was Sam Dawson's name? A I don't know their family history,

Q Did your father say anything about his father? A I have

heard that she was a First, my father said; of course I don't know.

Q What was her first name? A Annie.

Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.

Q Saw him? Yes, sir.

Q Do you know about how old he was when he died? A He was somewhere about 90.

Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.

Q Was your father his youngest child? A Yes, sir.

Q Did you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.

Q He died in about '90 and was about 67 years old when he died?

A Yes, sir.

Q And he was the youngest child? A Yes, sir.

Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.

Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?

A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.

Q Well, what did he say about it? A I have heard him say his mother was not an Indian.

Q Did you father come here to apply for citizenship?

A Yes, sir.

Q Was he admitted? A I don't know.

Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.

Q Well, in that connection, did he say whether his mother was an Indian or white woman? A I don't know, I heard him say that his mother was a white woman in speaking of her, but I don't know whether he said anything about that or not. I have heard him say his mother wasn't no Indian.

Mr. McKenna: Applicant's object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by stenographer M. D. Green)

I, J. O. Robson, 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 his stenographic notes thereof.

(Signed) J. O. Robson.

---ooo00000---

(Continued from testimony taken by Steno. J. O. Robson.)

March 26th, 1908, at Muskogee, I. T.

Exhibits are:

Mr. A. S. McKennon and Mr. Kelleys, attorneys for the applicants.  
Mr. W. T. Hutchings, and Mr. W. T. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A Emma Brashiers.  
Q What was your maiden name? A Emma Dawson.  
Q What was your father's name? A Samuel Piley Dawson.  
Q What was his father's name? A Samuel.  
Q What was your grandfather's name? So far as you know from family history? A Her maiden name was Annie Pruett.  
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.  
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.  
Q And had a sister named Mrs. Petty? A Yes, sir.  
Q And another one named Mrs. McGee? A Yes, sir.  
Q And another brother named John? A Yes, sir.  
Q What relation are you to Mrs. A. S. Lewis? A Sister.  
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.  
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.  
Q About how old were you when your grandfather died?  
A About 6.  
Q Was your father's birth recorded in the family Bible? A Yes, sir.  
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.  
Q What became of it? A Got burned.  
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.  
Q In 1823? A Yes, sir.  
Q And how old was he when he died, if you recollect? A He was between 64 and '7.  
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians?  
A Yes, sir, they were white people.

Q You know whether in the family you mentioned was spoken of by the name of Amie, is that? A Yes, sir.

BY MR. McKELIN: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALL E. S. LEWIS, b... and... were examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A E. S. Lewis.

Q What is your post-office? A Dawson, Indian Territory.

Q How old are you? A 59 years.

Q What was your wife's maiden name? A Elizabeth Pruet.

Q Who was your wife's father and mother? A Her father was Samuel B. Dawson and her mother was the wife of Samuel B. Dawson, and you want her maiden name?

Q Well, if you know the maiden name of your wife's father, state it for me, will you? A It was Elizabeth Margaret, the first name of her mother.

Q Now, how do you know of your wife's father's name? A It was the maiden name of my wife's father's mother.

Q Yes, sir? A From her husband and my father-in-law, and he it was Annie Pruett.

Q What was the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.

Q And his wife's maiden name was Annie Pruett? A Yes, sir.

Q Did you ever meet your grandfather, Samuel Dawson, your wife's grandfather? A Yes, sir.

Q Personally? A Yes, sir.

Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, at least three or four times; I have never seen my father-in-law and he visits very often.

Q When did he die? A '74.

Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grand-father, he was sick, and I remember my first wife was a baby at that time.

Q And when was your first child born? A He was born December, '73.

Q You know how old your wife's father was when he died? A Why he was up in 60, but I don't remember his age.

Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.

Q How old was he at the time of his death? A He was 94.

Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.

Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and she married one of his, - oldest child for this brother-in-law was a particular favorite of his grandfather; named it for him I understood.

Q Now, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking so much of Robert Pruett.

Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long



to see if he was here he was, or whether he was alive or not.

Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?

Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.

Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q What was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q And Samuel R. Dawson was the youngest boy? A Yes, sir.

Q You know nothing about the time John Dawson was born, have you any way of knowing at it, the oldest boy? A Yes, sir, I know that the oldest boy and his wife told me.

Q How old was he? A They said he was born in 1811.

Q Was he his oldest son? A Toliver M. Dawson told me his father was born in 1811.

Q Now, remember, say whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know that the old man said that she was a white woman; that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.

Q What did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.

Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.

Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.

Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. MCKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did you ever apply for citizenship here? A Yes, sir; for my wife.

Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say

as to the date.

Q Before the Cherokee authorities? A Yes, sir.

Q Did he file an application before the Dawes Commission in 1896 also? A No, sir.

Q Yes, sir? A I don't think he did, no sir.

Q Did you? A I did.

Q On account of your wife? A Yes, sir.

Q Did you take affidavit to that application? A No, sir.

Q Who did? A I don't know, don't remember now.

Q You applied for your wife as an Indian by blood did you not?

A Yes, sir.

Q Are you still an applicant? A No, sir.

Q Is that? A No, sir.

Q She was denied was she? A Yes, sir.

Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.  
Q What? A Charge of murder.  
Q Anything else? A No, sir.  
Q Committed on the train? A Yes, sir.  
Q In a train robbery? A Yes, sir, in a train robbery.  
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.  
Q That all the crime you were ever charged with? A Yes, sir.  
Q Haven't you been havin' some trouble with the Dawson family?  
A Well personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.  
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, anyhowself, don't speak, and I don't think his wife speaks to me either.  
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A B. W. Alberty.  
Q What is your post-office? A Tahlequah.  
Q What is your present official position in the Cherokee Nation?  
A Assistant Executive Secretary of the Cherokee Nation.  
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.  
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.  
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)  
Q Where did you find those papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. MCKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No. 108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Rial Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. G. Duncan, Clerk."  
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 18th, 1883.

No. 100 Robert Dawson, "et al."

vs.

Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker worn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawson's grand other on father's side, she was frequently at my mother's house; though she Anna Pruet lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house and the claimant's mother was about 12 years, when I was a lit 10 boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rogers Store I saw her occasionally until I was 17 or 18 years old and I think then old Capt John Rogers took her off to school. I saw her no more from the time old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson. I stayed all night there and she and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Mississippi River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them. Arkansas were recognized where they were as Cherokees. Robt Dawson's children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?

Ans. 1 Five, I think that's all.

Ques. 2 Did you say something about someone being married twice?

Ans. 2 The claimant was married twice.

Ques. 3 Could Anna Pruet speak Cherokee?

Ans. 3 Yes she could speak it well

Ques. 4 Did Polly Rogers speak Cherokee?

Ans. 4 She could when she was young.

Ques. 5 How far do you live from Anna Pruet?

Ans. 5 Just across the river about 3/4 of a mile.

Ques. 6 Was Calhoun in the Cherokee Nation?

Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?  
Ans. 7 George went first then John went they were the sons of  
old man Harnage that lived up here near the line.  
Ques. 8 Did the claimant go to Texas?  
Ans. 8 No the claimant didn't go to Texas.  
Ques. 9 What connection was claimant and Polly Rogers?  
Ans. 9 The claimant is the son of Polly Rogers Marion here  
is the grandson of Polly Rogers.  
Ques. 10 Where does claimant now live?  
Ans. 10 He lives in Carroll County, Arkansas.  
Ques. 11 How you know what relation old Captain John Rogers  
was to Charles Rogers here in Cooke county?  
Ans. 11 They are a kin but what kin I don't know there were  
two Capt. John Rogers' in the nation I am speaking of the time  
when I first came to this 1830 Country about the year 1830.  
Ques. 12 Was Anna Pruett the maiden name of claimant's grandmother?  
Ans. 12 Yes that was her maiden name the Indians called her  
Sinee.  
His

(signed) Arthur. A. x Baker.  
Mark

Witness' hand paralyzed is the reason he signs by a mark  
thus "x". "

The above document is endorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case,  
Robt," Decided by the Tehee Court in 1883. A. Riley Daw-  
sons Step daughter a white woman married a white man, named  
August Bulaska."

BY MR. HUTCHINGS: To further introduce envelope No. 101, of  
E. Dawson for his grand-children, versus the Cherokee Nation,  
and its contents, to-wit: The Petition and affidavit of F. M.  
Dawson, and the testimony of Joseph Dawson.  
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the  
applicant's object, because it is wholly incompetent and  
irrelevant.

The envelope above introduced is endorsed as follows:

"No. 101. E. Dawson vs the Cherokee Nation. For his grand  
children. Petition for citizenship. Filed Sept. 14th, 1883,  
D. W. C. Duncan, Clerk of Com. Decided Sept. 13, to be Cherokees."

The contents of said envelope are as follows:

"Office of Commission on Citizenship.  
Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,  
No. 101. vs for his grand children,-

Lulu Dauthett,  
Dallas Dauthett,

F. M. Dawson for claimant introduced sworn and in  
open Court testified as follows:

My name is F. M. Dawson. Am Cherokee by blood reside in  
the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old -- She has been dead about 4 years as well as I can recollect, She was about 17 years old when she was married.

his  
 (signed) F. M. x Dawson, "  
 Mark

Office of Commission on Citizenship,  
 Tahlequah, Cherokee Nation, Sept. 14, 1903.  
 To: E. Dawson  
 For his grand children  
 Lulu Dauthett  
 Dallas Dauthett.

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, an a Cherokee live in the Cherokee Nation, 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I wa always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.  
 by Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation. E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Zanic, Bob, Smith, Worsk, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his  
 (signed) Joseph x Dawson,  
 Mark

To the Commission of Citizenship,  
 Tahlequah, C. N. Sept. 12, 1903.  
 E. Dawson for grand children,  
 Lulu Dauthett,  
 Dallas Dauthett,  
 vs  
 Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Julia Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the



Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1833, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(signed) E. Dawson for grand children,  
By C. H. Taylor."

This last document is indorsed on back as follows:  
"No. 181, Petition of Lula, Dauthett & Dallas Douthitt, for citizenship Filed Sept 14, 1833, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1839.

BY MR. MCKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,  
Tahlequah, C. N. August 11th, 1837.

Booklet No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Catoosa,	
	2 Parlee Dawson,	44	female		
307	3 Amerson J. Dawson,	35	"		
	4 Katharine J. Dawson,	37	"		
	5 J. G. Dawson,	31	male		Bell &
	6 Elias F. Dawson,	29	"	Applicant for)	Bryant.
	7 Toliver Dawson,	27	"	Cherokee Nation.	
	8 Eliza Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	12 Cleveland Dawson,	3		John Rogers	
	-- filed August 11th, 1837."				

In red ink written along Age column is the following: "Rejected April 26, 1839."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsay Pruitt, said to be a sister of Joseph Vann, commonly known as Rich and who was of Cherokee blood. It is admitted that John Rogers and Chilsay Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 3th, 1836, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of the e Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 22, 1836, before named provides, that "The Commission shall give a hearing to any paerson applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Saruel R. Dawson and family are not entitled to re-admission to atizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applic tions.

(signed) Will P. Ross,  
Chairman.

This April 26th, 1889.  
(signed) D. L. Williams,  
Cl'k Com'n."

(signed) R. Bunch, Commissioner,  
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1836, Inspector, Riley Dawson, filed the 5 day of Oct. 1867, Docket 1867, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission. Rejected 26 day of April 1889 Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al., ) Office Com. On Citizenship,  
(vs) ) Tahlequah, I. T. Sept. 27th, 1868.  
Cherokee Nation. )

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowee-coowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hvassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a hite man.

Attest

Connell Rogers,  
Clk. Com. on Citizenship."

This document is indorsed on back as follows:  
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5, 1897.

Locket No.	Name	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

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C. H. Taylor.

vs.

Applicant for  
Cherokee Citizenship.  
Census Rolls 1855  
Ancestor,  
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 28, 1899."

"Adverse to Claimant.

See decision in this case in list of E. H.

Dawson in Book (B) Page 20.

This April 28, 1899.

D. S. Williams,  
Clk Com.

Will P. Ross,  
Chairman,  
J. E. Carter, Sec."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. MCKENSON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page -- Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 22, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No	Name	Sex	Age	Relationship.
----	------	-----	-----	---------------

In witness whereof which application I hereto set my hand on this the 4th day of October 1887.

(signed) Rebecca Dawson,

Roudinot & Rasmus,  
Attorneys."

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind, Ter.

Tahlequah, August 28th, 1889.

Rebecca Dawson)

V. S.

Cherokee Nation.) The above case was called and submitted by

Reasons without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and are not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas - I. T.

(signed) WILL P. ROSS,  
Chairman,  
J. E. Gunter, Com."

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.  
OFFICE COMMISSION ON CITIZENSHIP.

Locket No	Names	Age Sex	Post Office Attorney.
1017	Rebecca Dawson	48 female	Emmett, I. T.

Boudinot & R.  
Applicant for  
Cherokee Citizenship.

Census Rolls, 1835,  
to 1852.

Ancestor,  
Moton.

V. S.  
Cherokee Nation.

Office Commission Citizenship,  
Cherokee Nation, Ind. Terr.,  
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Reason without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to citizenship in the Cherokee Nation.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nation next introduces the original envelope and contents in the case 103, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145, - said judgment being rendered August 28th, 1889.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"103, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of -- 18-- Docket 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Reason, Aug. 28, 1889."



"APPLICATION FOR CITIZENSHIP".

Application for admission to citizenship:  
 Gentlemen:- The undersigned, your petitioner, this day takes this his application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an act of the National Council, approved December 8th, 1866, creating your Commission. And respectfully takes the following statement of the grounds of this his application, to-wit:  
 That Mary Dawson is the Grand Daughter of one Noton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the year 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this his application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	13	Son.

In witness of which application I herewith set my hand on this the 4 day of October 1887.

Mary Dawson,

Bordino & Rogers,  
 Attorneys."

COMMISSION CITIZENSHIP,  
 Cherokee Nation, Ind. Ter.,  
 Talliquah, August 20th, 1889.

Mary Dawson,  
 vs  
 The Cherokee Nation ) Application for Cherokee  
 Citizenship.

The above named case having been submitted by W. F. Rogers, Attorney for Plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 13 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,  
 Chairman,  
 J. H. Carter, Com."

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP  
 TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day takes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1866, creating your Commission. And, respectfully takes the following statement of the grounds of this his application, to-wit: That John K. P. Dawson is the son of one Hilyr Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his Application shall be duly heard and tried

in accordance with the aforesaid law.  
Age - - years; Post-office - - -; family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
William A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,  
C. H. Taylor, Attorney."

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Booklet No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	Female	Bowie, Texas.	
2	Walter Dawson,	10	Male		

Boudinot & R.

Applicant for  
Cherokee Citizenship.

Census Rolls 1835 to 1853  
Ancestor

vs.  
Cherokee Nation.

Office Commission on Citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug 28th, 1889.

The above case having been submitted by W. C. Passie, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 10 years are not of Cherokee blood. Post office Bowie Texas.  
Attest:

F. G. Pass,  
Clark Commission.

Will P. Ross,  
Chairman.  
J. J. Guntz, Com."

BY MR. MITCHINS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 38, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 26th, 1888.



Filed July 11, 1897.

Ancestors,

Alverse.

See decision in this case in report of L. E. Dawson,
to R. E. P. O.
referred April 26- 1899.
D. S. Williams,
Clk. Com."

BY MR. HUTCHINGS: We next desire to introduce the records
in the case of the same Andrew J. Dawson, before the
Commission to the Five Civilized Tribes, filed September 7th,
1896, and the judgment of the Commission thereon. Number of
said case being 4,694. And the judgment of said case on Page
104, Do R. E., Dawes Commission Record, 1896. Judgment was
rendered October 17th, 1896, denying the application.

BY MR. McLENNON: To all of which the applicants object, because
the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before
Dawes Commission, 1896, in Andrew J. Dawson, et al., are as
follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind. Ter.,
Registered Letter, No. 409, rec'd, of A. J. Dawson, addressed
to E. H. Hayes, Tahlequah, I. T., (signed) D. A. Frayser,
11-P. M.

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.
and that you swear to your petition.
Evidence of service of copies of Chief or Governor
may be secured as follows: If convenient get his receipt to
file with your papers. If you cannot do this, register to him,
to have some interested person to make affidavit in form
as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day
of September, 1896, I saw a package registered at the Post
office at Vinita, Indian Territory, addressed to Hon. S. H.
Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that
registry receipt no. 409, received from postmaster, hereto
attached, is a receipt for said package, which contained true
copies of the application of Andrew J. Dawson, and of the
affidavits of E. Dawson and F. H. Dawson in support of same.
(signed) S. H. Davidson.

Subscribed and sworn to before me, on this 7th day of Septem-
ber, 1896.
(seal) (signed) W. H. Kornegay,

Notary Public, First Judicial Division,
of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly accepted for by the Chiefs and Governors.

XXX \_\_\_\_\_  
For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald J. McKenna, Thomas R. Cahalan and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Sheweth:-

The undersigned, your petitioner, Andrew J. Dawson, ~~Andrew J. Dawson~~ (line in ink drawn through these names) for and on behalf of Lonnie E. Dawson, Clive Dale Dawson, Willie H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Faye F. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1820 & 1830 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully craves the time when his application shall be heard and tried.

Respectfully submitted,  
Andrew J. Dawson,

Enrollment of family, such relationship attached, as follows:		
Names.	Age.	Relationship.
Minnie E. Dawson,	25	Daughter.
Clive Dale Dawson,	27	daughter
Willie H. T. Dawson,	21	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
Jesse K. P. Dawson,	7	brother.
William A. Dawson,	13	Nephew.
Maggie E. Dawson,	5	Niece.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,		Niece.

IN WITNESS WHEREOF, I hereunto set my hand this Third day September 1896.

(signed) Andrew J. Dawson,



front on back of fol 543:

Indian Territory,  
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn on oath that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1890.

(signed) J. A. Tillotson,  
Notary Public.

(Seal)

My Commission expires June 3<sup>rd</sup> 1899.

Indian Territory,  
Northern Judicial District (S.S.)  
District

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwassee river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers were his grandfather and grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 60, an act of Nov. 17<sup>th</sup> 1843, page 90. also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, J. L. Dawson, Joseph Dawson, and John Dawson. Who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3<sup>rd</sup> day of September A. D. 1890.

(signed) J. A. Tillotson,  
Notary Public.

(Seal)

My Commission expires June 3<sup>rd</sup> 1899.

Indian Territory,  
Judicial Dist. } S.S.

F. K. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

his  
(signed) F. L. X Dawson  
mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp  
Notary Public. (Seal)"

"Ind Ter  
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Polly Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,  
Notary Public,

My commission expires June 8, 1899.

(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation filed Sept 7-1896 A. S. McKennon, Com'r."

Before the Honorable Henry L. Daves, Frank C. Armstrong, A. S. McKennon, T. B. Cabanis, A. B. Montgomery, Commissioners.

In the matter of the application of

Andrew J. Dawson,

Nation's No.....

Commission's No.....

for citizenship in the Cherokee Nation.

Your respondent, S. H. Meyes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, . . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither he nor any of his ancestors now residing, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

W. Hutchings, Hastings & Woudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answers are true, to the best of his knowledge and belief.

(Signed) John L. Adair,  
Subscribed and sworn to before me this the 3<sup>rd</sup> day of Oct 1890.  
(Signed) D. J. Ball,  
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.  
Commission's No. 4694, In re application of Andrew J. Dawson,  
DEMUERER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers  
as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee,  
9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in  
the case of Joanna Barber, et als., No. 1864, the United States  
Court number being 90, and the Nation desires to call especial  
attention to the testimony of F. C. Rogers and Sarah Carter  
as set forth in this case.

BY MR. MCKENNON: To all of which applicants object, because  
it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-  
with filed.

#### APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald  
S. McKennon, Thomas B. Cabaniss and Alexander H. Montgomery,  
United States Commissioners authorized by an act of Congress  
of June 4, 1898, to hear and determine claims for citizenship  
in the Cherokee Nation;

Gentlemen:- The undersigned, your petitioner, Joanna Barber,  
for and on behalf of himself and heirs, this day makes this  
their application to you for the purpose of being placed on the  
revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, T. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,  
(signed) Joannah Barber.

Enrollment of family, all relationships attached, as follows:

Name	Age	Relationship.
Joannah Barber,	60	Daughter of Elizabeth and Peter
Isaac J. " Husband	65	Peter, nee Dawson, " " "
Chris E. " "	19	Daughter of Polly Barber, nee
" " " "	14	Dawson, nee Barber, daughter of
James E. " "	12	Capt. John Rogers and Ashley Rogers
Johnny " "	4	nee V. " " " " " " "
Joel A. Barber	71	brother of above, nee Barber - with wife.

In witness whereof I have signed this petition and on this 17th day of August 1896.

(Signed) Joannah Barber.

Indexed as follows: "Pa. 2, 86 No. 111. Petition of Joannah Barber for enrollment of her blood claims."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5th day of Dec 1835. My father's name was John Petty, my mother's name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the honorable Commission her proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(Signature) Joannah Barber.

INDIAN TERRITORY, )  
FIRST JUDICIAL DISTRICT ) 88

Now on this 17th day of Aug temporarily appeared before me W. J. Watts a Notary Public in and for the Territory of Oklahoma, Joannah Barber, she being duly sworn upon the oath she takes that the facts set forth in the foregoing petition are correct and true.

subscribed and sworn to before me this 6 day of August 1898.

(signed) W. J. Watts,

Notary Public.

(Seal)"

\*(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty for Cherokee Indian citizenship in the Cherokee Nation, Indian Territory.

A. David of S. R. Dawson.

Delaware District, Cherokee Nation, First Judicial Division, U.S. Court, Indian Territory. (SS)

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Aston, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joannah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joannah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsay Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal)

(signed) S. R. Dawson.

Subscribed & Sworn to before July 6 1898

(signed) W. P. Hubbard, Notary Public."

United States of America, Indian Territory, First Judicial Division. (SS)

I, William P. Rasmus, a Notary Public within and for the Judicial Division aforesaid, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as received to me at Tulequah, Ind. Terr., this the Third day of July A.D. 1898.

(signed) William P. Rasmus,

Notary Public, First Judicial Division, Indian Territory. (Seal) My Commission expires Feb'y 3, 1897."

(A copy)

In the matter of the claim of Joannah Barber (nee Joannah Petty)





and says: My name is F. A. Dawson, my age is 19 years; my post-office address, Tulsa, Ind. Territory. I am a citizen of the Cherokee Nation, I. T., by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joannah Barber - whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd, nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father, James P. Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood - she was the sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood - said Robert Dawson having the said brother's name, James Dawson, that therefore the said claimant, Joannah Barber is in (Affiant's) first cousin of Cherokee Indian blood and that he so recognizes and acknowledges her.

(signed) F. A. Dawson.

Subscribed and sworn to before me at Tulsa, Ind. Territory this 17th day of November A. D. 1893.

(signed) W. J. HARRIS,  
United States Commissioner.

(seal)

UNITED STATES OF AMERICA. )  
Northern District of Arkansas. )ss

In the case of Joannah Barber claimant by affidavit in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tablequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Harris, a Commissioner of the U. S. Dist. Court within and for the District aforementioned duly authorized to administer oaths Francis P. Dawson, to be made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis P. Dawson my age is about 57 years, my post-office address is Afton, Ind. Territory, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joannah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood - and I acknowledge the relationship by Cherokee Indian blood of Joannah Barber to me as first cousin - and I know that the said Joannah Barber therefore is of Cherokee Indian blood.

(signed) F. P. Dawson.

Subscribed and sworn to before me at Tablequah, Ind. Territory this 17th day of November A. D. 1893.

(signed) W. J. HARRIS,  
United States Commissioner.

(seal)

Indorsed on back as follows: "No. 1 filed Feb 24 1897, Jas. A. Winston, Clerk."

"Page 10, Locket "B"

Jonathan Barber.

Office Commission on Citizenship,

Tahlequah, C. H. August, 1887.

Locket. No.	Name	Age.	Sex.	Post Office.	Atty.
1	Jonathan Barber	51	female	Winta, I. T.	
2	Ailey J. Barber	37	female		
3	Irene Barber	34	female		
4	Era Barber	29	female		
5	Atta Barber	26	female		
6	Lary Barber	17	female	Applicant for	
7	Onice Barber	17	female	Cherokee Citizen	
8	Joel Barber	51	male	Pella I. T.	
9	Calaway Barber	27	male		
10	Tolliver Barber	30	male	Ancestor	
11	Riley Barber	15	male		
12	Hagar Barber	3	male		
	V.S.			John Rogers	
	Filed Aug. 12, 1887.			Alex. Frust	

See decision in this case in that of L. F. Barber, adverse to claimant in this Book page 26.  
This April 26th, 1889.

D. S. Williams,  
Clerk com.

Will. P. Ross, Chairman,  
J. E. Carter, Com.

"S. R. Dawson.

Office Commission on Citizenship,

Tahlequah, C. H. Aug. 11th, 1887.

Locket. No.	Name.	Age.	Sex.	Post Office.	Atty.
1	S. R. Dawson,	66		Catoosa, I. T.	
2	Parley Dawson,	44	female		
3	Americ J. Dawson,	35	female		
4	Katherine J. "	35	female		
5	J. G. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Tolliver Dawson,	27	male	Applicant for	
8	Era Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
	Filed Aug. 11, 1887.			John Rogers	
	Rejected April 26, 1889.				

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for re-admission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the alleged daughter of Captain John Rogers, and Gilesey Frust said to be half sister of Joseph Vann colonial known as rich and who were of Cherokee blood. It is admitted that John Rogers was



This affidavit states that he was 34 years of age when his father, Charlie Rogers died, that his father never had any other family (it is in ink drawn through word family) other than the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. Rogers, was not a sister of his father; that his father never had but one sister viz. Cynthia Rogers the wife of Isaac Rogers heard of; that this affidavit was well examined by his aunt Cynthia Crump-

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF  
CHEROKEE NATION. I, John L. Adair, Executive  
Secretary of the Cherokee Nation, do hereby certify that I  
have compared the foregoing with the original record in this  
Department, and that the same are correct copies and transcripts  
of the same.

In witness whereof I have hereunto set my hand and  
affixed the great seal of said Cherokee Nation, at Tahlequah,  
this, the 5th day of Feb. 1896.

(signed) John L. Adair,  
Executive Secretary."

(Seal)

Then the above affidavit continues:

"(nee) Rogers that he lived with this applicant's father for  
a number of years prior to her death.

Affiant states that he has often talked with his father,  
Charlie Rogers (brother of Capt. John Rogers) (nee Rogers) about  
his relatives; that they never spoke of any other sister in  
their family; that his affidavit was about 70 years of age when  
his aunt, Cynthia Crump died; that they told him there never was  
(word "never was" marked over it with ink) father never had any  
other daughter or daughter other than Cynthia Rogers

Affiant states that his father told him a number of times,  
that his father's grandfather Capt. John Rogers never had any  
other family other than the one above mentioned; that this  
applicant never heard his father Charlie Rogers or any of his  
relatives speak of his grandfather Capt. John Rogers owning, or  
renting, or beating up any river.

Affiant states his father Charlie Rogers was born on  
Big Mulberry, South-east of Van Buren, Arkansas, in the year  
of 1817.

Further affidavit said not,

W. Rogers.

Subscribed and sworn to before me on this the first day of  
October, 1896.

(signed) William L. Hall,  
Notary Public,

(Seal) My Commission expires January 1st, 1900."

United States of America, )  
Indian Territory, ) SS  
Northern District. )

Mrs. Sarah Carter being first duly sworn  
states: that she is a citizen and resident of the Cherokee  
Nation, Ind. Terr. and her post office address is P. O. L. T.  
that she is 65 years of age.



Adrian stated that she is the daughter of Charlie Rogers; that her grand father on her father's side was Capt John Rogers. Adrian further stated that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and the contents thereof; that she facts that it is not true are true as she verily believes.

(signed) Sarah Jane P.

Subscribed and sworn to before me this 20th day of October, 1890.

William H. Hall,  
Notary Public,

My Commission expires January 10th 1900."  
(p. 1)

before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKenyon, T. B. - (name torn off) A. B. Montgomery, Commissioners.

In the matter of the application of  
Joseph Barber

Section's No. 1573  
Commission's No. ...

at al-  
for office in the Cherokee Nation.

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, caused her signature to said application, to be placed on file for record.

1st. That said Commission has not jurisdiction over the rights or subject matter of this controversy, and not legal title, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient to show that the applicants are entitled to citizenship.

Respondent has waived the alleged defects, but insisting upon the same for denial of said application, says that John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the establishment of said Nation, and to the Indian Territory as set forth and defined: that his name does not appear upon any of the official rolls of said Nation; that his name does not appear in any of the records now on file, nor have he resided in the Cherokee Nation and Indian Territory, in compliance thereof.

Having duly appeared, your respondent ask to be heard as a witness.

S. H. Hayes, Principal Chief Cherokee Nation.

At Hot Springs, Hastings and Goodrich, Missouri.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the facts contained in the foregoing affidavit are true, to the best of his knowledge and belief.

(Signed) John L. Adair,

Subscribed and sworn to before me this 20th day of Oct. 1890.

(Signed) W. J. Hall,  
Notary Public.

(p. 1)

Indorsement back as follows: "1864 OC Nation's N. 1877, Commission's No. .... In application of No 2 Joanna Barber Debarrier and Answer Filed Mar 13 1897 Jan. A. Winston, Clerk/ Filed Oct 7 1896 H. H. Jacobway, Secy."

"SPIEE.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

fully appointed and authorized to Act, under and by virtue of the Act of Congress of June 4<sup>th</sup> 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit: Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Onis B. Barber, William K. Barber, James E. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Oliver Barber, George A. Barber, Frankie G. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for citizenship in the Cherokee Nation of Mary A. Bower and her child, to-wit: Hazel Bower.

In the matter of the application for citizenship in the Cherokee Nation of Emma L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for citizenship in the Cherokee Nation of Emma Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rimbly Moore and Gladys Moore.

In the matter of the application for citizenship in the Cherokee Nation of Annie L. Hunt and her child, to-wit: Bertram Hunt.

In the matter of the application for citizenship in the Cherokee Nation of Alice J. Swart and her children, to-wit: Georgia A. Swart and Erny L. Swart.

In the matter of the application for citizenship in the Cherokee Nation of Jonathan J. Garlinghouse and her children, to-wit: Myrtle C. Garlinghouse, John L. Garlinghouse and Birtina L. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the claims of the aforesaid claimants, we deem it necessary to present to the Honorable Commission, the generally accepted names of said claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Polley, in a former name of Elizabeth Polley, now Barber and a granddaughter of John Polley, who was a great-grandfather of certain John Polley, and a Cherokee Indian of blood as shown by the following pedigree:

Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Barber, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

E. A. Murray, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

E. A. Moore, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Garlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you place the name of each claimant, together with the names of their aforementioned children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(Signed) Hubbard, Garlinghouse & Pate,  
Attorneys for Petitioners.

Indorsed as follows: "No 3 Filed Feb 24 1897,  
Jas. A. Winston, Clerk."

Commissioners,  
Henry L. Daves, Frank C. Armstrong, Archibald S. McKennon,  
Thomas B. Casanias, Alexander B. Montgomery—H. H. Jacoway,  
Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,  
Vinita, Indian Territory, Oct 2, 1896.  
Filed Sept. 3, Answer Filed,  
Application denied.

Joan Barber et al,  
vs.  
Cherokee Nation.

I, H. H. Jacoway, Jr., Secretary, do hereby certify that  
the above and foregoing is a true and correct copy of Cherokee  
Record A. page 297 of the Commission to the Five Civilized  
Tribes.

Give under hand and official signature this the 12  
day of Feb. 1897.

H. H. Jacoway, Jr.,  
Secretary."

Indorsed as follows: "1897 No. 4 Filed Feb 24 1897  
Jas. A. Winston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED  
TRIBES.

Joan Barber et al,  
vs.  
Cherokee Nation.

No. 1804.

AFFIDAVIT FOR APPEAL.

Know all men the said Joan Barber et al applicants for citizen-  
ship in this case by W. B. Watto, one of their attorneys,  
and pray an appeal from the decision of the Honorable  
Commission to the United States District Court as provided  
by the Act of Congress approved June the 10th, 1896.

And the said W. B. Watto, being duly sworn and acting  
in behalf of said applicants do hereby depose and say that the appeal prayed for  
in this case is not asked for the purpose of delay and that  
justice may be done the appellants.

(Signed) W. B. Watto,  
Sworn and subscribed to before me this 23rd day of December  
1896.

(SEAL)

(Witnessed) J. C. Lindsey,  
Notary Public.

Commission expires March 23rd 1897."

Indorsed: "Court '96."

Received of H. ... Secretary of the Commission  
the Civilized Tribes, the original papers, in the case of  
... Nation, follows:

... this the 27 day  
of 1896.

(S.W.)

(Signed) J. C. Winston, Clk."

I hereby certify that on the 10th day of October, 1896, I received for original papers  
in the case of John A. Dawson et al vs. Cherokee Nation.  
The same were filed this ... day of ... 1896. Secretary."

UNITED STATES COURT FOR THE INDIAN TERRITORY,  
SPECIAL DIVISION, AT MUSKOGEE, IND. T.E.

John A. Dawson, Oris E. Barber, William E. Barber, J. C. ...  
Joel A. Barber, Joel A. Barber, ... A. Barber,  
... L. Hunt, Alroy J. Smart, APPELLANTS.

APPELLEE.

APPEAL FROM THE DECISION OF THE COMMISSION  
TO THE FIVE CIVILIZED TRIBES.

Be it remembered that the appellants in the above entitled cause  
petition the Court to grant an appeal in said cause from  
a decision of the Commission, known as the Lawes Commission,  
created and authorized to treat with the Five Civilized Tribes  
of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw,  
and Seminole Indians, and to pass upon and decide applications  
for citizenship in the said five civilized Tribes, which  
decision by said Commission was rendered by authority of, but  
not in accordance with, an Act of Congress passed and approved  
June 16th, 1896, and by which decision on the 29 day of  
October, 1896 the aforesaid appellants were denied their  
rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their  
rights to citizenship in the Cherokee Nation, as aforesaid are  
as follows: to-wit: The affidavits of E. Dawson, S. H. Dawson  
W. A. Dawson, F. H. Dawson.

Said affidavits fully and conclusively establish the  
fact that said applicants are Cherokee Indians,  
by blood and descent, and entitled to rights of citizenship  
in the Cherokee Nation.

Said affidavits, together with the application, of said  
appellants, were, prior to September the 16th, 1896, filed  
with and submitted to said Commission for its investigation,  
consideration and decision.

That a certified copy of said application, together with  
the accompanying affidavits, were served upon the Chief, or  
Attorney General, of said Cherokee Nation, prior to September  
the 16th, 1896.

The errors of the Commission in rejecting the claims for  
citizenship of said appellants are the grounds for appeal  
to this Court, to-wit:





of this Court. I lead a defense against a seal showing that the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever deny.

(Signed)

W. B. Watts,  
A. H. Garland,  
W. J. Watts,  
Attorneys for Appellants."

Indorse, on back: "Cherokee Citizenship Case, No. 30 No. 1  
Joanna Barber et al vs Cherokee Nation filed Dec 3 1896  
Jas A Winston clerk Watts, Garland & Watts, Attorneys for  
Appellants."

"SUBJONS.

SEAL  
United States of America,  
Indian Territory, (se,  
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to appear on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, within the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Chris E. Barber, W. R. Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Eric A Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William L. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, this 28th day of Dec. 1896 A.D. 189--

(Signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons the 28th day of December A.D. 1896 and served the same as follows: W. T. Hutchins, Attorney for the Cherokee Nation Indian Territory Accepted Service on 1st within at Muskogee, Indian Territory on 1st day of January 1897

(Signed) W. B. Watts

BY \_\_\_\_\_

BY .....DORRIS."

... on back as follows: "Citizenship Case  
of the Cherokee Nation, vs. No. 90."

Joanna Barber et al.  
vs. No. 90.  
Cherokee Nation.

Dr. H. A. Gibson, Medical Director, to whom this case was referred, submitted the following report:

IN THE UNITED STATES COURT OF APPEALS FOR THE  
NORTH WEST DISTRICT, AT OMAHA.

JOANNA BARBER ET AL )

-vs-

THE CHEROKEE NATION )

o/c

I, H. A. Gibson, Medical Director herein, appointed by the Commission under the general order herein, I have examined the medical condition of the Cherokee Nation, which is hereto set forth in the general report, a copy of which is as follows:

I

In this case the Commission on September 30th, 1898, referred the case to the Five Civilized Tribes, by John A. Barber, and Isaac J. Barber, her husband, and their children, Onis E., William L., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children: Mattie Tolliver, George A., Frankie C., Jesse and Ethel Barber. That the application includes also Mary A. Barber and her child Inez Barber, Emma L. Murphy and her child Gladys Murphy, E. C. Moore and her children Anna J., Jackson P., Mary and Gladys, Attie L. Hunt and her child Bessie Hunt, Alvey J. Smart and her children Georgia A. and Erney E. Smart, Joseph J. Smart and his children Myrtle C., Cora L. and Bertha E. Smart. That this application was by the Commission tried and rejected on October 20th, 1898, and no reasons were given for the decision, and that subsequently on December 21, 1898, the claim is appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That the affidavits in support of their application are those of S. P. Dawson, E. Dawson, Francis I. Dawson, and F. A. Dawson, who testify that John A. Barber is the daughter of Elizabeth Patey, nee Dawson, who was the daughter of Polly Rogers, who married a white man by the name of Samuel Dawson, and that Polly Rogers was the daughter of Captain John Rogers and Alvey Vann. That these witnesses are all Cherokee citizens by blood, and are to be taken



to be enrolled as citizens of the Cherokee Nation, in which." Indorsed on back: "No. 163. Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, filed August 17, 1897, Jas A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "C. Joanna Barber et vs Cherokee Nation."

"NOTICE.

UNITED STATES OF AMERICA ) In the United States Court for  
INDIAN TERRITORY (SS) said District.  
SOUTHERN DISTRICT. ) In the matter of the application  
of Joanna Barber et al to be  
enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.  
You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the proceedings in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable Willard H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189--.  
(SEAL) (Signed) J. A. Winston, Clerk."  
Indorsed: "No. 164. Joanna Barber et al vs Cherokee Nation, APPEAL FROM THE U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 164."

BY MR. WITCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being, 230, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call special attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the Nation, number 108, before the Citizenship Commission, and which was made January 19, 1892.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.



The ... as in ... at ... must be reproduced above, are as follows.

"Office of Commission on ...  
Cherokee ... January 19, 1882.

No. 108.

Robert Dawson ...

vs

Cherokee ...

Testimony of ...

witness, Dr. Arthur ... as follows:  
My name is ... of Berryville Arkansas  
Carroll County ... I am not a Cherokee. I lived  
in the Cherokee ... when I first came  
to Arkansas I ... with him since he became  
a citizen of Carroll ... years - At my Mother's house  
near Calhoun I ... with the claimants Robt  
Dawson grandchild ... she was frequently at  
my Mother's house ... must have lived in the Nation  
side; She claimed to be ... sister to Big Joe Vann, also  
claimed to be half Cherokee. The first time she brought the  
claimants mother to my Mother's house she the Mother's mother  
was about ... when I was a little boy. She called her  
daughter Polly Rogers, said Captain John Rogers who ran a  
boat up the River was the father of the child; I saw the girl  
frequently there at my Mother's and there at Louis Knases Store.

I saw her occasionally until she was 15 or 16 years of old and  
I think then Old Capt. John Rogers took her off to school, I  
saw her no more from the time Old Capt. John Rogers took her  
off till I saw her here in Arkansas the wife of old Samuel  
Dawson, I stayed all night there ... and I had a talk over  
our old matters and I asked her where she became acquainted with  
Dawson and she said at the time she was going to school and  
she said after she left school that Dawson followed her home,  
to the Nation and they were there married. I have told that  
precisely in the words that she used, Capt John Rogers claimed  
to be one fourth Cherokee. The claimant is the son of Polly  
Rogers, and I know Polly Rogers to be the daughter of Anna  
Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then resided in the Cherokee Country about  
twenty ("word 'twenty' marked with a) twelve miles below  
Calhoun on the Hiwassee River. Anna Pruett resided in the  
Cherokee Nation as long as I remember before the Dawson when I  
got acquainted with them ... were recognized where they  
were as Cherokees. Robert Dawson's children is Buck, John,  
Marian and two girls. The children named in the petition I  
recognized as being the claimants.

Question by Solicitor:

- Q. 1 How many children did Polly Rogers have?  
A. 1 Five I think that's all  
Q. 2 Did you say so often about some one being married  
twice?  
A. 2 The claimant was married twice.  
Q. 3 Could Anna Pruett speak Cherokee?  
A. 3 Yes, she could speak it well.

- Ques 4 Did Polly Rogers speak Cherokee?  
Ans. 4 She did when she was young.  
Ques 5 How far did you live from Anna Pruet?  
Ans. 5 Just across the river about 3/4 of a mile.  
Ques 6 Was Calhoun in the Cherokee Nation?  
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.  
Ques 7 Which Harnage was it went to Texas?  
7 George went first, then John went, they were the sons of old Man Harnage, that lived up near the line.  
Ques 8 Did the claimant go to Texas?  
Ans. 8 No the claimant did not go to Texas.  
9 What connection was claimant and Polly Rogers?  
9 The claimant is the son of Polly Rogers  
10 Where does claimant now live?  
10 He lives in Carroll Co Arkansas.  
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Coowesscoowee?  
11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first come to this country about the year 1830.  
12 Was Anna Pruet the maiden name of claimants grandmother?  
12 Yes that was her maiden name the Indian called her  
his  
since

(signed) Arthur T Baker  
mark

Witness hand paralyzed is the reason why he signed by a mark  
th s x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(seal)

(signed) R. T. Hanks,  
Asst. Exec. Sec.

To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her mother, who is a Cherokee Indian by blood. The said Joannah Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (also Vahn) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission, that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:

Irene J. House, aged 34 years; Chas. C. House, aged 9 years; William T. House, aged 8 years, Amy V. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.  
(signed) Irene J. House.

Northern Judicial  
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.

(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D. 1896.

(signed) J. Barricklaw,  
Notary Public, my commission expires  
June 8 1899."

(seal)

"Exhibit A.

Northern Judicial Division,  
Indian Territory.

Joanah Barber being duly sworn according to law, on oath states by name in Joanah Barber I am 61 sixty one years old My Post office address is Fatova Ind Ter- My husband occupation is farmer I am a Cherokee in Cooperscovee Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (commonly called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13" 1863, moved with her husband children to the Indian Territory and settled near Talala I Territory

(signed) Joanah Barber

Subscribed and sworn to before me this 19" day of Aug. 1896.

(signed) J. Barricklaw,

Notary Public, my commission expires  
June 8 1899

(seal)

"EXHIBIT B.

Indian Territory,  
Northern Judicial District SS.

P. L. Dawson being duly sworn according to law deposes and says:

My name is F. H. Dawson; I am 34 years of age; my post office address is Afton Indian Territory, I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grand father whose maiden name was Polly Rogers through my father Samuel Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brothers and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers. The said Elizabeth Petty was the mother of Joana Barber who is a full cousin by blood of this affiant in the Indian side. The said Joana Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and draw their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, the facts stated as occurring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(Signed) F. H. Dawson.

Indian Territory,  
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement of affiant was dictated to me by F. H. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. H. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(Seal)

(Signed) John H. Koogler,  
Notary Public.

Northern Judicial District,  
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states as follows: I am 61 years of age, my last office as judge is Talala, Ind. Ter. I am a Farmer and reside in Washington District-Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee citizen now living in the present Cherokee Nation. I was born in Carroll County, Ark. near Berryville. I derived my Cherokee Indian blood from my grandfather Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My grand parents, Samuel Dawson and his wife Polly Dawson, first called here as Polley and her wife first lived in Old Cherokee Country in about the year 1835, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were half brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson, his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joana Farber who is a half cousin by blood of this affiant on the Indian side, the said Joana Farber is the mother of Irena J. House, whose maiden name was Irena J. Farber, a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and use recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the strip money at the last time on its payment made by the Cherokee Nation.

The said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barricklaw, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occurred before the recollection of affiant he testified to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this 19 day of August 1896

(signed) J. Barricklaw,

Notary Public, by commission expires June 3, 1900.  
(Seal). Notary Public.



"Cherokee Nation,  
Covington District.

EXHIBIT E.

Before me the und resigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn; deposes and says, that he is well acquainted with Irene J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irene House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irene House is a lineal descendant of Amie Dawson whose children (line drawn through word "children") sons, Robt & James before spoken, are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Subscribed to before me this 17 day of August 1896.

(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:

"No: 3099 5464 Before the Dyer Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 2 1896 A. S. McKennon, Com'r. Denied. Filed Feb 25 1897 Jas A. Winston clerk."

"Received of M. M. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and of official seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."  
(Seal)"

Indorsed: "Court No. 238 No. 5464 Receipt for original papers in the case of Irene J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189...."

"Irene J. House et al,  
vs. No. 238  
Cherokee Nation.

Mr. W. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

IRENE J. HOUSE ET AL

VS

236 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

-----000-----

I, M. A. Gibson, Special Master herein, duly to the Court  
and under the general order herein, I have examined the  
proof and pleadings on file in this case which are made a  
part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90,  
Joanna Barber vs Cherokee Nation, the principal claimant herein  
being Irene J. House a daughter of Joanna Barber.

That this case was instituted on September 3, 1896  
at which time application was made to the Commission to the  
Five Civilized Tribes for citizenship by blood in the Cherokee  
Nation.

That this case was tried by the said Commission on  
November 24, 1896 and the applicants denied, no reasons  
being given for the decision, and that on January 30, 1897, the  
parties appealed from said decision to this Court.

That this application was made by Irene J. House, her  
husband, F. J. House, and their children Chas., C. Winston  
F., and Henry W. House. That they file in support of their  
application the affidavits of Joanna Barber, F. A. Dawson,  
Arthur A. Baker, E. Dawson, and F. A. Dawson. That these  
Dawson witnesses are citizens by blood of the Cherokee Nation,  
and state that they are related by blood to the claimants  
herein on the Cherokee side. The claimants base their contention  
of a right to Cherokee citizenship upon the fact that the  
claimant Irene J. House is the daughter of Joanna Barber, who  
is the daughter of Elizabeth Peley, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain  
John Rogers and Ailsley Vann, who were recognized Cherokee  
citizens by blood. That the testimony shows that this Dawson  
family are recognized citizens of the Cherokee Nation, and  
that the claimants herein are cousins by blood upon the Indian  
side, and that they all claim through a common ancestor,  
Polly Rogers and Captain John Rogers and Ailsley Vann, who were  
all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the  
application of these claimants to the Cherokee Commission on  
Citizenship in the year 1897, and the record of the rejection  
of the claimants, and further the affidavits of W. C. Rogers,  
and Mrs. Sarah Carter, a grand daughter both of whom state  
that they never heard of any daughter of Captain John Rogers  
by the name of Polly Rogers, and the he had only one daughter,  
whose name was Cynthia.

III

The claimants contend that they are residents of the  
Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1838, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) M. A. Gibson,  
Special Master.

My fee paid,  
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation Final Report of Special Master, filed Nov 10 1897 Jas A. Finston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. McKEMMON:

- Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
- Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
- Q You gave testimony in this case once before did you not, before the Daves Commission? A I did.
- Q Before this Commission I will say, this Commission? A The Daves Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
- Q Were you in any way connected with the Cherokee citizenship Commission in 1883 known as the "Teehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the existence of that Commission, existence of that Commission.

Q You were the only clerk it had during its existence were you?  
A I think I was.

Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et al, as found on page 114, of this record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.

Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.

Q The Mr. Teher, President of the Commission, Alex Wolfe and T. A. Johnson, Commissioners, that is correct, is it? A That's correct.

Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.

Q Were you at that time acquainted with F. L. Dawson, commonly known as "Bud Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I don't think I merely knew Mr. Dawson; all I know of him was I saw him there as a party to the suit. I know Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.

Q Were they recognized Cherokee citizens were they? A They were.

Q Was Taylor not known generally as a citizenship Attorney?

A I think he was.

Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.

Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?

Q Who called up the case? A No, I don't recollect.

Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only that one decision.

Q Was that in favor of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.

Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.

Q Did Bud Dawson pay you any money in connection with that case?

A He did not.

Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.

Q Or paid you any money, either directly or through any other person? A For my influence in that case?

Q Yes, sir? A Never.

Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.

Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the session of the Commission; I saw but very little of him during the recesses of the Commission; now and then I would see him in passing.

Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judgment?

Q. I never observed anything of the kind; nothing that struck a suspicion in my mind that he was unjust in the line of practice.

Q. Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through his firm for any services which you had rendered to him in that case?

A. Yes, he paid me some.

Q. What amount? A. My recollection is that, I think it was twenty dollar bill. I don't know but I had better go and state the transaction, all about it.

Q. Yes, sir. A. Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, copies of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel that I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received anything for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before summer time I went to my hotel, The National, I think it is in Arlington; went to my room, felt a little tired, laid down, and went to bed to rest. I recollect Mr. Dawson stepped into the room, took a chair up to the bedside and sat down and conversed with me, expression to his gratification at the success of his case, especially, mostly upon the testimony in the case being so artistically, establishing his Cherokee blood, and that we thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home, - he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he said to me, you shan't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, or it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, struck off what I intended to be a farm, merely states, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long, - I think I met him in Vinita, and says he, did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.



Well, says he, I gave him some money and told him to ask it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tallleguah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is all and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Mr. Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim and r it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on Page 114, Records of the Teehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

Office Commission on Citizenship,  
Tallleguah, C. N., September 24th, 1881.

No. 108

Robt Dawson,  
Elbert Dawson,  
Jasper Dawson,  
John Dawson,  
Josephine Dawson,  
Joseph Dawson,  
Jane Dawson,  
Molly Dawson,  
Wilbron Dawson,  
James Dawson,  
Eial Dawson,

Petition for Citizenship:

vs.

Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1882.

The above case continued by the Cherokee Nation till Sept.

term. Agree by the parties that a case shall not be taken up for final disposition before the 4th day of Oct. 1882, October 4th, 1882

It is agreed by the parties that this shall be finally disposed of at the next January term if the claimant is present demanding the same, if not, the case shall be then continued to the September term, 1883.

On this agreement Commissioner continues the case till the next January term to-wit, January 1883.

And now this the 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on citizenship that the claimants, Robert Dawson, E. D. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Joseph Dawson, Joseph D. Dawson, Jesse Dawson, Holly Dawson, Wilbro Dawson, James Dawson, and Rini Dawson, are Cherokees 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 they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(at 10) Thos. Tehee, President of Coy.

D. W. C. Duncan, clerk of commission.

Alex Wolfe, Commissioner; E. F. Thompson, Secy.

Transcript docket to claims to, January 11th, 1883, (signed) D. W. C. Duncan, clerk.

Marginal Note: "Case submitted by claimant & minority 1883. Case submitted by solicitor January 11th, 1883."

Q Do you remember to any member of the court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but resting upon the fact that I know to be the practice of the court at that time, and the names of all these Commissioners there, I came with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, according to it or directed it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day in this case while the court was in session, adverse to these claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the court? A None to my knowledge. I can say positively there was not.

Q How many of these judges are now living? A Only one.

Q What is Mr. Thompson's name?

Q George and Wolfe are dead? A Yes and Wolfe are dead.

Q How long have they been dead? Do you know? A I do not know, quite a number of years. I haven't lived there, never lived here, then what their death occurred, and their death occurred some time before I got knowledge of it. It is perhaps 10 or 12 years that they are dead.

Q Do you remember to have given any other order of the District Court about the Court at that time than the one I have been thinking of, and I can't call to mind that I ever saw any other order of the Court except that, until after they have gone into the building and passed on to the rendition of the judgment.

(At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and asked to retire until called.)

BY MR. HUTCHINGS:

Q Mr. Duncan, when did you become clerk of the Texas Commission Court? A It must have been somewhere in December, 1884, at the time the Commission was organized immediately at the close of the Council in which they were appointed.

Q December 1884? A I think so.

Q What are you doing rendering judgments here in your handwriting in 1883? A The Commission held its Court after they were elected sometime.

Q The Court was elected in 1881 wasn't it? A Well, I don't know. I don't pretend to say when the Court was elected, I don't have said at the time who was chosen clerk. I was chosen clerk just after the close of the session of the National Council of that year.

Q '84? A I think it was '84.

Q You entered in this judgment rendered January, 1883? A Yes, that was the session of the Commission.

Q That was before you were clerk of it? A Well I didn't become clerk until some time you were continuously.

Q Well but when you came to say that you were clerk when the law on case was passed on? A No, I don't mean to say that.

Q You could you be clerk when the law was passed on in 1883 when you were not elected until 1884? A I am mistaken in that, '84 comes after '83, - it was the year preceding 1883, it must have been '82.

Q Your first entry in the Dawson case is January 18, 1883, isn't it?

Q I don't recollect what my first entry was. (Attorneys show the record to witness) Yes, that is the entry there on that day.

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk? A I think so, yes; it was entered at the previous term of the session of the Commission.

Q In those handwriting was the names of the three Commissioners signed to that judgment? A Yes on that point (Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately gave them that copy of transcript of the judgment, do you know who signed that? A Signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did the writing?

Q Signed the names to it? A Yes, that's it.

Q You always signed the names of Jones and Wells didn't you?

A I think I did pretty generally; I don't know of their attempting to write their own names.

Q When did you sign the names didn't he sign his own name? A Sometimes he did, sometimes he didn't, authorized me to do it.

Q Have you any recollection of his authorizing you to do it except from the fact that you were clerk of the Court at that time? A I don't know, I don't know but I think he authorized me to do it, but I can't say simply that, sometimes the record, that he authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and tell me to in the judgment and say who signed the names of the commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q That made you when you were testifying at Vista before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A It occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the court at the time I served on which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the court, without comparing the record and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it occurred.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, and that your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and convinced that that was my handwriting, and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you couldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Tehee and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew there was a resemblance; what made me of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I am much deceived—that his chirography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

Q. Now, I consider it a part of the time in your testimony by the  
name of the... I swore that I was the...  
Q. Not yours, didn't it? A. No, the name is... that that  
of my... not by... to... to ascertain... I was  
not... or not, and all... I concluded that  
I...

Q. Now, he stated, did you see... always...  
Q. Did you see... when he was present? A. I do not recollect  
Q. I stated, that I used the word "always", at that time, that  
... the I was examined... deposition was taken...  
... that he did, but... I do not...  
I am convinced that I was wrong, and occasionally I... for  
it.

Q. That you never found out that your testimony...  
... a year or a half ago was wrong until you examined the...  
... before yesterday, and...  
Q. I don't know that I have thought of it since that time...  
... of... before the... of the...  
Q. Is the only recollection that you have not and the...  
... to your recollection that Thompson was present when...  
... was the fact that you were...  
... writing, is it? A. As a fact,-

Q. You can swear that was true? A. That seeing that...  
... recollection and I recollect... that the... were  
all present at the time that I... I didn't  
... out of court at all.

Q. Was it in the forenoon or in the afternoon? A. I don't  
recollect whether it was in the forenoon or afternoon.  
Q. In recollecting that they were all present when the...  
... do you mean to say that they were all present when the  
judgment was rendered? A. Yes, that is, you mean when the question  
of admission or rejection was voted upon?

A. Yes. A. They were present.  
Q. Did you take up the record at the time that they rendered the  
judgment, or made a memorandum of it, or... it up the  
... some days afterward? A. The record was not...  
... upon the decision of any case, but I wrote up the  
record after adjournment, generally in the evening, and presented it  
next day or when the next session was held, for signature: that was  
the practice.

Q. But in this Dawson case you wrote it on the very day that it  
was rendered didn't you? A. I didn't recollect as to that.  
Q. And gave them a transcript the very day it was rendered?  
A. I don't recollect as to that.  
Q. Was indicated the giving of the transcript on the bottom of the  
judgment the day it was rendered? A. I should say it was given at  
... of the transcript.

Q. That was a very unusual thing for you to do in entering...  
...? A. To do what?  
Q. To note on the bottom that you had given a transcript the same  
day the judgment was rendered? A. No, I don't know that there is  
anything unusual about that.  
Q. Any other places in that record or more than one in any event  
that you have ever done that? A. I don't recollect, and as I don't  
recollect of giving anybody else a transcript.  
Q. That is what I am getting at; you gave them a transcript and  
wrote on your judgment and everything right...  
... after the decision; whether it was the... day of  
the evening, and... next day, I don't recollect.



IT NOW BEING THE HOUR OF NOON, I. E., THE COMMISSIONER  
ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, FEBRUARY 14, 1885, D. C., -APPEARANCES, -same as in fore-  
noon: D. V. C. DUNCAN, Clerk of the Court.  
BY MR. HUTCHINSON:

Q Do you remember what witnesses were before the Court? A I  
don't recollect now distinctly except Dr. Baker, I was a boy at  
that time, and I don't know of the length of his testimony or he did it took  
to take it.

Q The Doctor was about the only distinct witness there was? A He  
is the only one now that I can call to mind.

Q There was probably another old darkey that testified was not  
there? A I have no recollection to that effect.

Q The case was just decided really on Doctor Baker's testimony,  
is it about the only man that knew anything about the case? A I  
am not certain that Dr. Baker was the only witness; I might have been  
others that has not escaped my recollection.

Q Doctor Baker's testimony was taken down in writing? A Yes.

Q There was not anybody else taken down in writing was there?

A All the testimony that was accepted in the case was taken down  
in writing.

Q Did you ever see anybody's else testimony in writing except  
Dr. Baker's in that case? A That is not all I recollect, I don't  
recollect any other but Dr. Baker's.

Q You know whether that was taken immediately before the trial  
or at the trial or how was it? A It was taken in the presence  
of the three Commissioners during the session of the Court.

Q You seen the day that the case was decided or how? A I do not  
recollect whether the case was on trial here then on day, but my  
impression is that it was.

Q Do you know whether it was the same term of the Court or not?

A I think it was the same term of the Court.

Q How many terms a year did that Court have, when and how did  
they last? A I don't recollect of but seven, but not term.

Q Don't recollect the number but not term? A Yourself, it seems  
to be so.

Q You didn't go in until January of 1882 and your first  
record is a record of about the 15th of January 1882, as shown  
on the book, isn't it? A I don't recollect in that regard.

Q How would they take testimony in the case, then continue it, or  
do would they generally do about that? A I find they decided on  
the case at the term in which they took testimony.

Q Can you say whether or not this testimony was taken in this case  
at the time it was decided or at the same term it was decided, or  
within a week or less of the time it was decided? A My own recol-  
lection is that it was taken at the term in which it was decided;  
the case was taken up, testimony heard that the decision was made at  
the conclusion of the testimony.

Q Well now, I see on October 14th, 1882, on your book, with the  
following entry reads: "It is agreed by the parties that this  
case shall be closed at the next January term." That would  
be January, 1883, is that right? A Yes, that is correct. Now, I see,  
1882, the case shall be continued to the 30th day of term,  
1883; this agreement the Commission continues the case till the  
next January term, 1883. Now, that I think is what you had

JANUARY AND A SEPTEMBER 1897; AND THIS DECISION WAS RENDERED IN THE JANUARY, 1898 CASE. THE ORDER'S DEDUCTION WAS MADE DURING THE YEAR, 1897, OR AT THE TIME THE DECISION WAS RENDERED? A I FIND IT IMPOSSIBLE FOR ME TO RECALL THOSE FACTS THAT ARE RECORDED THERE; ALTHOUGH I CAN SAY ABOUT THAT, THAT THE RECORD SHOWS THE CORRECT STATEMENT OF THE FACTS; BUT I CAN'T RECALL THOSE FACTS.

Q Well there is a record here that this case was continued on the 15th day of January, 1898, upon agreement that it should be taken upon the 4th day of October, 1897; your record shows that there was nothing done in this case from January 15th, 1898 until October 4th, 1897; would you say that was correct? A I should say it was correct if it is stated on the back; it is supposed to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent your end of it at all. (Shows entry in book to witness.)

A I can't recall those facts in regard to the agreement.

Q Do you look down to testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the Nation? A As to that I don't recollect, he was present, he was always present; I think likely he was cross examined.

Q And that testimony was taken about your time when the judgment was rendered in January, 1898? A I think it was, by implication to that effect.

Q Well the court seems to have had no session as to this case from January 17, 1898 up to October 4th, 1897, according to the record? A (No response.)

Q You don't recall taking down any one's deposition in court? A No sir, I don't.

Q And the probability is that he was the only one examined? A It might have been so, by recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 75 at that time? A Yes, he was quite old.

BY MR. JACKSON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 15th, 1898; is this correct as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, yes; I don't think that was the testimony that the court was decided upon, because that testimony was taken orally before the commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says that I say that the record was made correct, according to the fact. (Witness looks over copy of the testimony referred to to refresh his memory.) I don't recollect in reading that very clearly as my own recollection, but I gather from the subject matter in that testimony that it is in harmony with Doctor Baker's statements; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. JACKSON:

Q In taking the testimony you endeavored to get down all the material facts that you could in writing it in long hand? A Yes, very nearly word for word, as I could get it, so all the things was a little variation made necessary by the length of the witness' statements.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

- Q What is your name? A B. F. Fortner.  
Q What is your age? A 54.  
Q You are a physician are you not? A I am.  
Q Where do you reside? A Vinita, Indian Territory.  
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committee of the Indian Territory and of the American Medical Association, -those are some, and the most important positions I hold at this time.  
Q Are you a Cherokee citizen? A I am.  
Q By blood or intermarriage? A Intermarriage.  
Q Your wife is a citizen? A Yes, sir.  
Q Do you know D. F. G. Duncan? A I do.  
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.  
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.  
Q Is that good or bad? A It is good.  
Q Do you know Campbell Taylor? A I do.  
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about six or eight years.  
Q Do you know his general reputation for truth and veracity? A I do.  
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

- Q Mr. Du can belongs to the same church you belong to? A Yes, sir.  
Q And has for a number of years? A Well now I say I think he does; I have always so understood.  
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.  
Q You didn't have any business before the citizenship court of which he was clerk, did you? A No, sir, not that I know of.  
Q You was not at Tahlequah while he was clerk of a court from 1892 to '93? A I don't believe I was.  
Q Never had any business before that court? A Had no business before there, not while he was clerk to my knowledge.

BY MR. McKENNON:

- Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.  
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

- Q I will ask you if it was notoriously bad in 1893, and these people employed him to represent them before the court? A That was before my knowledge of him.

... as far as the fact of an examination ... back to far ...

G. W. MILLER, being duly sworn and being examined,  
testified as follows:

BY MR. MCKENNON:

- Q What is your name? A G. W. Miller.  
Q What is your age, Mr. Miller? A 61.  
Q Where do you reside? A Vinita.  
Q How long have you lived there? A Well I have lived there  
altogether about 17 years I guess, or 14.  
Q Are you a citizen of the Cherokee Nation? A No, sir.  
Q What is your business? A Real estate and insurance agent.  
Q Do you know D. W. C. Duncan? A Yes, sir.  
Q How long have you known him? A I have known him twenty years.  
Q Do you know his general reputation for honesty and uprightness  
of character where he lives? A Yes sir.  
Q Is that good or bad? A It is good, so far as I know.  
Q Do you know Campbell Taylor? A Yes, sir.  
Q How long have you known him? A Well I have known him 12 or 13  
years, I guess.  
Q Do you know his general reputation for truth and honesty? A Well  
yes.  
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

T. H. CURTIS, being first duly sworn and being examined,  
testified as follows:

BY MR. MCKENNON:

- Q What is your name? A T. H. Curtis.  
Q How old are you, Mr. Curtis? A 56.  
Q Where do you reside? A Afton, Indian Territory.  
Q How long have you lived in the Indian Territory? A 20 years.  
Q What is your business? A Lumber business.  
Q Do you know D. W. C. Duncan? A I do.  
Q How long have you known him? A About 20 years.  
Q You know his general reputation for honesty and uprightness  
of character in the community where he lives? A I do.  
Q Is that good or bad? A As good as any man's.  
Q Do you know Campbell Taylor? A I do.  
Q How long have you known him? A Some 20 years, I suppose.  
Q Do you know his general reputation for truth and integrity and  
honesty? A Yes sir.  
Q Is that good or bad? A Bad.  
Q Is it notoriously bad? A Yes.  
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville,  
Arkansas? A Yes sir, I knew him in '68 and '69.  
Q Where? A Over at Berryville; I ran a saw mill in that country  
at Berryville.  
Q Did you know his general reputation so far as honesty and uprightness  
of character and truthfulness? A Yes sir.  
Q Is that good or bad? A Good sir, Good as any man's; he is a  
good Christian gentleman.  
Q Did you know him well enough to know his habits of life? A Yes  
sir.  
Q Was he in the habit of taking liquor, drinking liquor? A Not  
that I know, of sir, I never saw him take a drink in his life.

Q Was his character such as to brook any such charge against  
him? A It was, yes sir.

BY MR. HORTON:

Q How long did you know Dr. Baker? A Two years.  
Q What does he do there? A He was an old gentleman then, he lived  
right in the edge of Joppyville, Dr. Baker.

Q How old do you think he was then? A I think he must have been  
65 or 70 years old; an old gentleman.

Q That was in 18 what, 60? A No sir, it was in '68 and '69,  
two years that I lived over there.

Q He had retired from business? A Yes sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he  
had, I think well acquainted with the old gentleman.

Q He wasn't doing any business with nobody? A No sir.

Q And his character was never called in question one way or the  
other way? A No sir, no sir.

Q Couldn't Taylor and a notorious rascal probably have since  
you over here, his name's not? A Yes sir, I never know such good of  
him.

Q And the ever a man who had charge over him to get Campbell  
to work it, because he was notoriously a rascal; that's it ain't it?  
A Well a great many of them got it.

Q It ain't a notorious thing that they had a bad case they would  
get him, it would sort of give a considerable story to have Campbell  
around it? A Yes, that would be right.

Q You never heard anything about Mr. Baker's connection with  
certain other matters? A No sir, never did.

Q You never heard about his changing some of the records of  
citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Baker case? A Yes sir.

Q How is it all around that nobody was doing anything  
wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him  
accused of it, no sir.

Q That means that all from the first day they were a little right  
up to the present? A Well I don't know not from the first day,  
I have heard it for a good while though.

Q But you never knew who had fixed it up? A No sir.

Q There have been a pretty strong feeling up there in that country  
haven't they, pretty large families? A Yes sir.

Q Can't a good many votes be there? A Yes sir.

Q Did you ever know of the Doctor's testimony any in court, Dr.  
Baker? A No sir, I never did.

Q What would you think of it in the whole family that he had a  
girl that was single in 1825 when the youngest of his seven children

was born in 1825; what would you think, would you think that was  
a statement to be made by a man who was truthful? A -

BY MR. HORTON: Applicants object to the question because  
it is wholly incompetent, and not based upon any proof or ad-  
mitted facts in the case, and it is wholly immaterial and in-  
competent.

Do you think that was a statement that would be made by a truthful  
man? A -

Q You think it is? A Yes sir.

Q He's a man who is a respectable man? A Yes sir, quite so, I  
don't see.



Q 14 years from that time he was liable to be in his dotage  
 A I don't know, he was an old man when I knew him.  
 Q He was too old to work, and retired from business then? A Well  
 he did not do a good deal, but wasn't doing any business, particular  
 what I know of.  
 Q He would have been pretty old 14 years from that time? A Yes,  
 he would be getting old.

D. H. MATTS, being first duly sworn and being examined,  
 testified as follows:

BY MR. COKENNON:

Q What is your name? A D. H. Matts.  
 Q What is your age, Mr. Matts? A I am 46.  
 Q What is your business? A I am publishing a newspaper.  
 Q What paper? A "The Indian Chief."  
 Q Are you Editor of that paper? A Yes sir.  
 Q You live at Virginia, then? A Yes sir.  
 Q Are you a citizen of the Cherokee Nation? A Yes sir.  
 Q By blood or intermarriage? A Intermarriage.  
 Q Do you know H. W. C. Duncan? A I do.  
 Q How long have you known him? A 10 or 19 years.  
 Q Do you know his general reputation in the community where he  
 lives for honesty and uprightness of character? A Yes sir.  
 Q Is that good or bad? A Good.  
 Q Do you know Campbell Taylor? A Yes sir.  
 Q How long have you known him? A For 15 years or longer.  
 Q Do you know his general reputation for truth and honesty in the  
 community? A His general reputation, yes sir.  
 Q Is it good or bad? A Well it is not good.  
 Q Is it bad? A Well I suppose it must be bad then.

BY MR. COKENNON:

Q How long was Campbell's reputation as a bad man, Mr. Matts,  
 write a good while, hasn't it? A Why I think so, yes sir.  
 Q And it isn't as if he were mostly with the citizenship business?  
 A Yes, so far as I know of it, yes sir.  
 Q Well, you got to know the citizenship cases by through the mails,  
 and they finally had to be about the law, a good deal of stir about  
 it? A Yes sir.  
 Q And some of that was sort of occasioned by his helping  
 the Deacons in what? A I don't know, I don't know whether  
 he helped the Deacons.  
 Q Was not that one of the principal cases that brought him into  
 notoriety? A I don't know whether it was that case or not, I  
 know he had a great many cases.  
 Q That was the principal thing that concerned the first Campbell  
 out, the citizenship cases were? A I think that is what got him  
 into the most trouble.  
 Q I say before that that he was not talked much about Campbell  
 one way or another, and it wasn't really general, that Campbell  
 was handling chiefly citizenship cases, and he got a bad reputation  
 from that? A Yes sir, I think that was the impression generally.  
 Q Now the Deacons's connecting with the Deacons, when next of door  
 had back, people never talked much about it? A I never saw any-  
 thing about it, as I know of.  
 Q You have said that there has been a case, and it is a  
 from a case, that has been a notorious thing? A Oh it has been  
 a notorious case, yes sir.  
 Q Well the fact of Mr. Duncan's reputation for straightness has  
 been somewhat given by himself, his connection with Campbell? A Yes  
 so that

Q His reputation for straightness is somewhat given by himself; he  
on one occasion he confesses that very often himself; doesn't he?

A I don't know whether I am qualified to answer that.

Q Feeling of his own honesty, he does that very frequently?

A No sir, not that I know of.

Q Doesn't he write a good deal about that sort of thing? A About  
his reputation?

Q Why in speaking of his own integrity? A I don't remember  
that he does.

Q You were not about the citizenship court along in 1911 and  
12 were you? A No sir.

Q Don't remember about the talk that was going on around the  
Capital over there about the citizenship cases? A Yes no, don't  
remember anything special as I know of. I remember the citizenship  
court going on at different times.

Q How far were you living from Takleghan in '87? A Well, I live  
close to Vinita, I guess it is sixty miles probably.

Q Have you lived any nearer Takleghan since that time? A No sir,  
never have.

L. B. BUTLER, being first duly sworn and being examined  
testified as follows:

BY MR. MCKENNON:

Q What is your name? A L. B. Butler.

Q You are a minister of the Gospel? A Yes sir.

Q H. B. Church, South? A Yes sir.

Q How long have you been in the ministry? A I have been in the  
ministry 22 years, sir.

Q Did you ever live at Vinita? A Yes sir.

Q You long? A I was there four years, sir.

Q Do you know H. B. Church? A I do.

Q How long have you known him? A I have known Mr. Church 22 years.

Q Do you know his general reputation for honesty and upright  
character? A I do.

Q Is that good or bad? A Good, so far as I know.

Q You have no objection to my asking? A Yes sir.

BY MR. MCKENNON:

Q Mr. Church was a member of your church? A Yes sir.

Q That is the principal way you had of coming in contact with him?

A Yes sir, he was a member of my official board.

Q His connection with citizenship cases were decided by the  
court of which he was clerk was never brought up in your presence  
anywhere? A No sir.

Q Or never discussed? A No sir, I know nothing about his  
connection with it.

Q You didn't live about or near Takleghan in '87? A Yes sir, I  
was Pastor of the Methodist Church in '87 at Takleghan.

Q Did you hear about the Bishop case, and other cases admitted over  
there by the Citizenship Court? A No sir, I know nothing about the  
cases; I gave over with the Commission was in session, and I was  
that he was clerk of the Commission, but know nothing about  
the cases that were decided at all.

Q Never heard anybody discuss the cases that were decided? A  
No sir.

THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

- Q What is your name? A Thomas A. Chandler.
- Q What is your age, Mr. Chandler? A I am 36.
- Q What is your business? A Deputy Clerk of the United States Court at Vinita.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Do you know B. F. C. Duncan? A Yes sir.
- Q How long have you known him? A Let me see, I have known him about nine or ten years.
- Q You know his general reputation for honesty and uprightness of character in the community where he lives? A Yes sir.
- Q Is it good or bad? A Good so far as I know.
- Q Do you know Campbell Taylor? A Yes sir.
- Q How long have you known him? A I think about 15 years.
- Q Do you know his general reputation for truth and honesty? A Yes sir.
- Q Is it good or bad? A Bad so far as I know.

BY MR. HUTCHINS:

- Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.
- Q You never knew him until 1887? A Well I never knew him personally, I heard of him before that.
- Q He had a bad reputation back in '85? A Yes sir.
- Q Bad reputation was bad word? A First I remember I ever heard of him I heard people speak bad of him, then I knew him.
- Q And everybody in Alabama through the Nation saw they anything at all knew Campbell had a bad reputation? A Yes sir, even so far back as '79 or '80, that long ago back as I can remember, I think I heard it spoken of in '80, I think that's about the time.
- Q And Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.
- Q You heard him spoken of irrespectably and using the words for these business? A Yes sir, I heard of his being in the Fort Smith Jail on that account.
- Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.
- Q And I also heard he had a bad reputation for selling his debts, about the same time.
- Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.
- Q He could have just got out of bad citizenship cases? A Yes sir, I suppose he could.
- Q You never heard Mr. Duncan's name mentioned before in connection with the Duncan case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.
- Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Duncan citizenship cases.
- Q That had never been in notoriety ever since they were admitted? A Yes sir, I have heard it scattered about over the country that such was the case.

Q Why are a great many votes cast for them and the matter has never investigated? A I don't know about that, I don't think it was over investigated, I never heard of it.

Q So they never had any endeavor to file out the ...  
A No sir.

Q Where did you live in '87? A In '87 I lived out on Dick Creek  
about 12 miles south-east of Vinita.

Q How far from Tallegood was that? A About 65 or 70 miles, I  
think.

Q You never were around before the citizenship courts any during  
that time? A No sir.

Q You don't know then whether or not Campbell had got the bad  
cases or not down there? A No sir, I do not, at that time.

BY MR. MCKEITHEN: Applicants object to all of the testimony  
of this witness as to what he heard by way of rumor, about the  
character of the person case, because the same is hearsay,  
inadmissible, irrelevant and incompetent.

A. S. MCKEITHEN, of counsel for Applicants, being first duly  
sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in  
1870. I was intimately acquainted with Doctor Arthur Baker,  
for many years. I knew him as well as I did anyone else. He was a  
gentleman of the highest Christian character, so recognized by  
everybody who knew him. He was a sober man, and never drank liquor.  
I am a Christian and more in vindication of that good man's memory  
than for any other reason, because any imputation against his  
character is false.

BY MR. MCKEITHEN:

Q How long did you know him? A I resided in Carroll County until  
1877 when I moved to Johnson County, Arkansas. During the time  
I was away from home, but I know him fully as well as if I  
resided in Carroll County.

Q Did you know him since 1877? A Yes sir, I have seen him several  
times. I have relatives living in his home in Carroll County  
by relations to his wife such as to cause me always to inquire  
about Doctor Baker. I know his reputation as well after  
I left there as I did when I lived there.

Q Did you know those facts in 1896 when you were a member of  
this commission? A Yes sir, I have known them all of my life and I  
know them now.

Q Do you know the name of a newspaper of this commission was  
of the Irene J. House case? A I know it every day of my life, in  
1896 as well as now.

Q Suppose that Doctor Arthur Baker's daughter should appear and  
testify that she was born in the year 1809, and suppose he would then be 10  
or 11 years of age that time. Suppose the wife of Samuel D. Brown,  
was a grown up girl going to school, when she was married to  
evidence shows that she had married Sam D. Brown prior to that time  
and had several children, the youngest of them was born in '35. Now  
would you say that that with a man who was as honest as I am and who  
knew the facts in the case? A Whatever Dr. Baker stated he honestly  
believed, whether it was right or wrong; whether it was error or  
truth, he honestly believed it, and stated it as he believed it.  
He was capable of being in error. A Every man is.

Q I say to you, A. Yes sir, just as you and I and every man, he  
was. I honestly stated as to his character, what I thought of him,  
and every man would know as I think I know it.

Q The commission rejected Irene J. Brown's case, or was it not  
rejected? A I don't remember anything about that case.



TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A David Meredith.  
Q Where do you reside? A Vinita.  
Q How old are you? A 60 years old.  
Q Did you ever know James Dawson? A Yes sir.  
Q How long have you known him? A I knew him probably 2 years.  
Q Did you ever have any talk with him about his citizenship case.  
A Very little.  
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.  
Q Well what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.  
Q Where did that conversation take place? A At Afton.  
Q At that time? A It was in '88, spring of '88.

BY MR. McKENNON:

- Q Where were you when he told you that? A I was working on a house in Afton, building 1 1/2 houses.  
Q Those houses? A S. E. Buices.  
Q Who else was present? A Buices was present.  
Q Where is he now? A At Afton.  
Q What age was James Dawson at that time? A I don't know, he was very old, probably 75 years old.  
Q Was he not a very feeble man? A Yes sir.  
Q Hardly able to get around? A No sir.  
Q Was he not then regarded as feeble minded old man? A I can't know whether he was so regarded or not.  
Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through; attorney's fees, etc. That is the way I took it anyway.  
Q You were an applicant yourself were you not? A Yes sir.  
Q Then? A At that time.  
Q Before the Cherokee authorities? A Yes sir.  
Q They rejected you? A Yes sir.  
Q You were an applicant then before the Dawes Commission were you not? A Yes sir, been rejected ever since.  
Q Are you still an applicant? A Yes sir.  
Q Still trying to get in? A Yes sir.  
Q Claiming by blood? A Yes sir.  
Q How long have you been living in the Cherokee Nation? A 15 years.  
Q Where did you take birth? A Indian.  
Q Claiming to be a Cherokee citizen? A Yes sir.  
Q Indian? A Yes sir.  
Q James Dawson is dead is that? A Yes sir.  
Q How long has he been dead? A I think he died probably 10 or 12 years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. H. DAWSON, being re-called and further examined, testified as follows:

BY MR. McKENNON:

- F. H. Dawson? A Yes sir.



- Q In Lawson, what member of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?
- A My brother from Texas met me at Tallahassee.
- Q Tell his name? A Elbert Dawson, they all know him by Buck.
- Q When was that? A In '81 as well as I remember, or '82, I don't know which, it was in '81 or '82.
- Q Did you file your claim at that time? A My brother, yes, the application, my brother had Joel Hayes to take it out and file it. That is my understanding.
- Q Joel Hayes, was afterwards the chief of the Cherokee Nation?
- A Yes sir.
- Q Refer what court was that filed? A My understanding is the clerk of the court; Hastings can tell me what court he was clerk of.
- Q He was clerk of the Court at that time? A Yes sir, of the citizenship court; that's my understanding.
- Q What was done about the case at that time, if you remember? A I went back home and left my brother down here at that time, that trip.
- Q Where did you then live? A I lived at Berryville, Arkansas.
- Q When did you next come to the Cherokee Nation? A I believe I come back the next January, that was in September.
- Q Was your brother Buck here then? A I don't think he was, I don't remember.
- Q Well had he at any time of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never set his any more until that case was decided.
- Q You conducted the business then after that did you not? A Yes sir.
- Q The case was finally determined January 1833? A Yes, sir, the 11th day as I remember.
- Q Were you present at that session? A Yes sir.
- Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
- Q Was the judgment rendered in that case as recorded in the Court Book of that Commission now in the custody of the Daves Commission the only judgment that was rendered in that case so far as you know?
- A Yes sir, so far as I know, I never heard of it in that case.
- Q You then know of no decision against you in the case? A No sir.
- Q Who was your attorney employed at the beginning? A I employed A. H. Howwood.
- Q Was he a Cherokee citizen? A Yes sir, I think so.
- Q Where did he live? A At Claremore, my understanding.
- Q Was he present at any time before the Commission? A I never saw him, he never met me there before the Commission.
- Q Did you pay him any money? A Yes sir.
- Q How much? A Fifty dollars.
- Q Did he ever render any services? A If he ever did I never know it.
- Q Tell then who did you employ? A My brother employed Joel Bryant.
- Q Was he a Cherokee citizen?
- A That is my understanding.
- Q Was he not a prominent Cherokee citizen? A Yes sir.
- Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met me at Tallahassee, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the Term down there.

Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would see to my claim before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Well what did you do then? A When the time come I come down on the city to Muskogee here and I pass over from here to Fort Gibson and I pass down to see Uncle Houston Benje and I stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benje come over and the next morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.

Was Houston Benje present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the Commission? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument he submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to get up the cigars to the court and the crowd in the house; after the decision was rendered then I was to get up the cigars, and everybody come to me and told me to go and get the cigars and I don't go.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big stick.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.

Q What did you do about it then? A Why the clerk wrote me out my certificate.

Q That same day? A That same day.

Q What arrangements did you make with Mr. Benje about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our cases; then he wanted me to pay, he charged me fifty dollars, that was his fee.

Q What was the agreement about the latter, the manner in which that fee should be paid? A My brother in Texas was to pay it.

Q Were you to write or was he to write? A He was to write for me.

Q Did your brother in Texas ever pay his fee of fifty dollars?

A Yes sir.

Q Was that all that was to be said? A All that was to have; all he charged me.

Q You heard his statement when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.

Q Did you ever state that you paid him fifty dollars for the case?

A Yes, sir.

Q He said that you paid him fifty dollars after he got over to Tallapoosa, did you do that? A I never paid him, I sent him a letter.

Q After that judge was rendered he did you go to? A I went back home to Arles sas.

Q By what route? A I went by Silau Springs and on by Spring Dale and on to Rogers, took the railroad there and went on by Silau Springs and by River's Springs home.

Q You then did not return to Fort Gibson, is that correct? A Yes sir, I did not.

Q Why did you not return to Fort Gibson? A Well I should maybe the others was the cheap of road and struck a hack going out by Say Shables when I was boarding at, I could go to Silau Springs and I went by that route and then there was a hack going by Spring Dale, that was the best direct route.

Q That was the best direct route from your home was it not? A Yes sir.

Q And was cheaper? A And the shortest route.

Q Had you been coming back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.

Q Your home was nearly a st. due east of Tallapoosa was it not? A Yes sir, little north of east, pretty near due east.

Q While Fort Gibson is almost due west is it not? A South west.

Q You heard his statement that you went to Fort Gibson which is, and if you care you stated to him that it was to reach the court was through Duncan and through the through Duncan with five hundred dollars, did you make that statement? A I never did, I didn't have the five hundred dollars to reach him.

Q Did he file at Tallapoosa in the court room on the evening before this judgment was rendered in your favor, tell you what the court had rendered a judgment against you? A No sir.

Q And did you then say to him, you would fix that? A I had a conversation with him.

Q Did you pay to D. E. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.

Q Or for any other purpose? A No sir.

Q Did you pay him any money after that through Campbell Taylor? A Yes sir.

Q What amount? A 20 or 25 Dollars, I don't know which it was.

Q State what that money was paid for? A For a claim.

Q What do you mean by a claim? A Claim on the public domain; he had a claim on the public domain; he had 20 or 25 Dollars for his claim on the public domain by the Cherokee Public Domain.

Q What did Campbell Taylor have to do with your case? A He had nothing to do with it.

Q Did you agree to pay him any money for his services as an attorney? A No sir.

Q Did he perform any services in that case for you as a representative of Mr. Roberts? A No sir.

Q Did you pay him any money? A Yes sir.

Q On what account? A No account, he had the claim on the public domain for land through the Cherokee to pay him the money and I came to.

Q What amount? A Hundred dollars.

Q Did you ever see the money that was paid to Joel Bryant?

A Yes, I saw it. He had a check for it from Joel Bryant. Q Did he ever get the money to Joel Bryant, that you know of? A Joel Bryant told me he didn't, and he had to get it again, paid Joel Bryant the hundred dollars we owed him. E. Duncanson paid Joel Bryant after that, we never could get the money from Campbell Taylor, only this twenty dollars or twenty-five dollars, that is all I ever saw paid from him.

Q How did you get that 25 dollars out of Mr. E. Duncanson? A I went after him and tellin' him to pay that money back to me, he rendered no services to me, all that the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.

Q The amount that he paid to Duncanson? A Yes sir.

Q Was this money paid to him, this one hundred dollars, while you were there at the time the judge was presiding, or was it sent to him afterwards? A I think it was paid then, as well as I remember about it.

Q You think it was paid then? A Yes sir, that's my recollection now.

Q Did you send him one hundred dollars after you got away from there, he requested to see a check for that money, after that he returned I mean, directed him to pay fifty dollars of that or any other sum to D. W. C. Baker? A No sir.

Q Did he send him a second one hundred dollars with such direction? A No sir.

Q Mr. Duncanson, you say that he got the money daily in order to obtain their citizenship in the Cherokee Nation under this judgment? A Practically it is so.

Q Well about what sum? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was bent out of some of my money, that I was bent out of and expenses.

Q Now take a statement of what that money was paid for and how, so far as you remember, it is paid to you now? Tell the first fifty dollars how was that, the next fifty dollars how was that; what was the attorney's fees; I speak of the attorney's fees now; the next money was the hundred that Campbell Taylor got; the next attorney fees was Duncanson's one hundred dollars.

Q Was that all the attorney's fees? A I think it was, no, wait, I paid some 15 dollars for Taylor's Baker's commission.

Q What was the name of that? A The name of that, well now I think it was his name, William P. Ross.

Q He then, this Chief William P. Ross for Taylor, the commission of Taylor charged you fifteen dollars? A Yes sir.

Q Do you remember that that was paid to your attorney and examined his name? A Yes sir.

Q What other attorneys were there present? A None of them was present.

Q Well now, you say that the attorney of Taylor, Dr. Baker and he was a doctor, he will get you a check for 5 dollars a day and he was in and his expenses for that matter, so that through in a few days, Campbell Taylor, the attorney, he allowed, and he to get out of there, and I think you a couple of dollars that Taylor got for that. Maybe a little over that.

Q Did you pay for a day's work? A I paid him five dollars a day for his 15 and then his expenses.

Q Well, A Well I made several trips out here a different time, to Tahlequah before the Court began, and back, three or four times as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and employed Senge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 22 dollars, one or the other, I don't remember what it was; Joe Dawson, my brother-in-law, gave me the money, it was either 21 or 22 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, or any other that you have mentioned? A I don't remember any other now, I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Albert Dawson was better off than the others, Bud Dawson.

Q Do you know how much Buck H. was paid of these expenses? A I don't think he was paid, he paid the Senge debt and the Brent debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that was paid up on one trip and taken some evidence with Joel Brent, and Joel Brent was clerk of the Court before this Tennes Court, I don't know what that cost him.

Q Care up here and took some testimony? A Yes, care up here and went back to Texas, filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I don't know what is told me.

Q How many? A Four witnesses.

Q For what purpose they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.

Q He had taken the testimony before you left him or afterwards? A He taken it afterwards; that was my understanding.

Q Did Buck furnish only the one hundred and fifty dollars that you do remember? A I think it was.

Q Was the expense of taking those witnesses there? A Yes sir, I was also furnished money out of the pocket of your family?

A My brother-in-law, father lived down in Pennsylvania, he and my brother-in-law, Alvin, we all gathered in together a few dollars from each family.

Q You heard the statement of S. B. Wright that in June 1860 you told him that you had what you had told him, did you not say that when he was in jail? A I never did.

Q And that you paid one witness 500 dollars? A I never paid any one 500 dollars.



Q Did you have any witness any such as? A No sir, I paid Dr. Brought for his time. He said his time was worth \$ dollars a day, and I paid it.

Q Did you have any other witness any for that that? A No sir, he is the only witness I taken down there in my case.

Q Well, the Robert Dawson case? A Yes sir.

Q He says that you sold him this in your house there on your place, did you have any house there in June 1883? A I was not living on a farm at that time.

Q Did you have any farm? A Didn't have any.

Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1883, and I camped in my wagon.

Q What did you do? A I went to the timber and cut poles and built a log out and made a log cabin on the place by a spring, near Mr. Brought.

Q About what time did you finish that house? A I finished it some time.

Q How long after you finished that house until you brought your family out? A I finished it and had got it covered and the floor in it and I went back to Berea Springs after my wife.

Q How many children you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, carrying with me; three little boys and one girl were with me, and one girl back in Arkansas.

Q Are you and C. G. Brought on good terms? A No sir.

Q What has been the character of the trouble between you? A Trouble over our places first started it.

Q When did it begin? A As soon as I got back from Arkansas he commenced kinder crowding me out to take my farm away from me, and he have been in a racket ever since.

Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it ain't correct.

Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.

Q Have you had any suits with each other? A Yes sir.

Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.

Q What was your last trouble with him, when I mean? A Along last fall.

Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.

Q That was the age of those boys? A Eleven years old.

Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the County Jail at Vinita.

Q He was discharged on account of his age? A Yes sir.

Q Jack Dawson is dead is not? A Yes sir.

Q How long has he been dead? A Three years, little over three years.

Q And James Dawson is dead? A Yes sir.

Q Is your father, Robert Dawson living? A No sir.

Q When did James Dawson die? A I don't see that, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.

Q When did your father, Robert Dawson die? A I believe it was in '89 as I remember now, I want be positive.

Q Has all these moved to the Cherokee Nation before this? A No sir, father died in Arkansas.

Q Did they live here in the Nation they lived here in the Nation  
and go back to Arkansas and died there? A Well the rest of  
the folks all lived here. That was James Dawson and Rich Dawson.  
Robert Dawson, your father, never did come to the Territory, did  
he? A No.

Q Did you hear the statement of the witness Deavert this morning,  
that about the time of hearing of the James Dawson case, at  
some church at night James Dawson came down there with someone else  
who was introduced to him, and he loaned him ten dollars; did you hear  
that statement this morning? A I heard the statement, yes sir, I  
heard it.

Q He says that your James Dawson was 70 or 80 years old; is there  
any James Dawson living below in your family at that time of  
any such age? A No sir.

Q How many James Dawson's were there belonging to your family?  
A There was my Uncle James Dawson and a brother James Dawson,  
the Doctor here.

Q How old was your brother James Dawson then? A He was a tolerable  
old man, I don't know his age.

Q About what age? A Just have been 60.

Q Between 60 and 70? A Yes sir.

Q That was the age of your brother James? A At that time?

Q Yes sir, in '84? A In '84 I suppose he was about 18, he  
didn't live that.

Q Did he anything to do with the James Dawson case? A No sir.

Q Was he present at the time that the James Dawson case was under  
consideration? A No sir.

Q How many James Dawson, your Uncle James Dawson, present at any time  
during the consideration of his case? A No sir.

Q He never was present? A No sir, if Uncle Jim Dawson was ever  
in Tallahatchie I never knew it.

Q Who conducted the prosecution of the James Dawson case before  
the Cherokee Citizenship Commission, who conducted it? A The  
James Dawson case?

Q Yes sir? A I think James Low and Will Jackson and Campbell  
Taylor.

Q Were you acting with them? A Yes sir.

Q They employed Campbell Taylor? A Yes sir.

Q Then there was no James Dawson present during that session of  
the Commission? No sir.

Q What was the condition of James Dawson's health at that time?  
A It was pretty poorly; was not good.

Q Was he at that time able to get about and attend to business?  
A I don't think he was.

Q Was he not a very feeble minded old man at that time? A Yes sir,  
regarded as rather a silly man was he not? A Yes sir.

Q Did he attend to any kind of business of the family at that time?  
A No sir, didn't.

Q What was his financial condition? A Pretty bad.

Q Did he have any money? A No sir.

Q Did he have any property? A None hardly at all; horse probably,  
or a cow or two, something that way.

Q Was that about all the property he had? A Yes sir.

Q How about the other members of his family that were admitted  
at that time; what was their financial condition? A They were in  
poor circumstances.

Q How then after those judgments were rendered that removed your  
family removed to the Territory, Cherokee Nation, I will say?

A Robert Dawson and family and James Dawson and family, that is,  
the old their children.

Q Robert Dawson didn't move here? A No, I said except Robert Dawson.

Q Did all the members of Robert Dawson family move here? A Yes sir.

Q Except himself? A Yes sir.

Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.

Q She has never moved here? A No sir.

Q Well all the members of your family, your father's family included in that judgment of the committee, rendered January 11th, 1894? A All but one.

Q That was the name of that one? A Edna.

Q A daughter? A Daughter of Robert Dawson.

Q Your sister? A Yes sir.

Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.

Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.

Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of her nieces.

Q What are their names? A Katie Vernon and Verna Fishback.

Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.

Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names now except Vernon, it is not, Tob Robinson married the widow, a niece of mine.

Q How then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two admissions in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting those three that you have just named? A Yes sir.

Q Whom? A My two of my sons was placed on the roll by the act of Council in 1894 I think it was left off of the rolls in per capita payment and they was placed on the rolls I think, and saw High Court member of Council, got their draft or checks for the money.

Q Have you got that copy of the act of Council admitting them? A Yes sir.

Q What is it? A (Produces papers.)

BY MR. DODD: We offer in evidence an act of the Cherokee National Council making an appropriation of \$2,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated rolls of 1896 by the Principal Chief."

This act was approved December 31, 1891.

Approved and signed by Stephen James, Assistant Acting Principal Chief. List a Dowd the name of William F. Dawson for payment of \$25.00, and of Marion Dawson, for a like sum. Are those

the names of two of your sons? A Yes sir.

(The paper above introduced, is filed and made a part of the records in this case.)

Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

1894.

Q What is that? A Allowing the Cherokee money.

Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. MCKEITHEN: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 14, 1894, signed S. J. Harris, Principal Chief. Senate Bill No. 101, appropriating a sufficient amount of money to make payment per capita of what is known as the trust money to certain persons named therein. Among them are members of the Haskinsgate family, William, Jane, Elbert, Henry, James Ross Leslie, Pearl, Aaron, Myrtle, Annie and Clifford; this act mentions these persons as Cherokees by blood, and there was a payment to each one of these a sum of \$265.70.

Q Are these members of the Robert Dawson family? A Yes sir.

Q Which one of the members of the family? A Jane.

Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.

Q And her children? A Her children, was not admitted, she was admitted.

Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee trust money was

to Cherokee citizens by blood only or not? A Yes sir.

Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A My the Douthett children, my brother's grand-children. The grand-children of E. Dawson.

Q When was that? A That, I think it was in '84.

Q Have you a copy of that act? A No, the record is here.

Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. MCKEITHEN: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q Those now are the Douthetts to which you refer, are they? Yes sir.

BY MR. MCKEITHEN: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, September 15th, 1883.

E. Dawson, for his grand-children, )

No. 181, )

Lula Douthett, )

Dallas Douthett, )

vs )

The Cherokee Nation. )

( C. H. Taylor,  
Att'y for Claim.

( Petition filed September  
( 14th, 1883.

Case submitted by Plaintiff Sept 14th, 1887.  
 Case submitted by Solicitor, Sept. 19th, 1887.  
 Continued by Plaintiff Jan 22 1884 to September Court  
 1884.  
 Re-submitted September 2nd 1884, by Atty Taylor and Bevert  
 Submitted by defendant 1884.

And now on this the 13th day of September 1884 copy this  
 case for final hearing and all the evidence in the case  
 having been carefully read, and considered by the Commission  
 on citizenship it has been decided by the Commission that the  
 above named Mrs. Dandberg and Dallas Dandberg are Cherokee  
 by blood, and that they are entitled to all the rights and  
 privileges of Cherokee citizenship in the Cherokee Nation  
 and that they should be, and are hereby entitled to the full  
 and complete enjoyment of the same in all respects, as native  
 born Cherokees.

Witness my hand, at S.

John Lee,

John L. Adair,

Chief Clerk.

Andrew Young,

Commissioner of Citizenship.

Q. Now were there any other actions of the Cherokee authorities  
 of like character relating to the members of your family?

A. I don't remember of any others.

Q. I will ask you if when the Cherokee authorities were  
 called to the roll of 1886, in compliance with the request of the  
 said Commission for a roll to be prepared by them for the use of  
 the said Commission, the question of the citizenship of the  
 members of your family was not then raised and an investigation  
 had in regard to it? A. Before the Deas Commission?

Q. No, before the Cherokee Commission making the roll of 1890,  
 of which John T. Hunter was a member? A. Yes sir, yes. I had forgot  
 it, but since you have named it there was some investigation of  
 them at that time; this is what I understood.

Q. That roll shows that the members of your family were duly  
 enrolled by the Commission? A. Yes.

Q. Have you and the other members of your family since your removal  
 to the Territory in 1837 and immediately following been recognized  
 as Cherokee citizens by blood? A. Yes sir.

Q. Have you been exercising and enjoying all the rights of Cherokee  
 citizens by blood since that time? A. Yes sir.

Q. You and all the members of your family are living in the Cherokee  
 Nation? A. Yes sir.

Q. You have all drawn Cherokee moneys whenever payments were made?  
 A. Yes sir.

Q. And have you all said members been voting at the Cherokee  
 elections or in the Cherokee elections? A. Yes sir, I was one of  
 the judges of the election that was held voting on the treaty.

Q. That treaty? A. The treaty bill that was sent back here for  
 the Cherokees to vote on; I was one of the judges at Afton.

Q. In what year was that? A. I believe it was last spring or time,  
 last April.

Q. Have any of you held any offices in the Cherokee Nation? A. Yes  
 sir.

Q. What offices have the members of your family filled? A.  
 Deputy Clerk, under Peter Hastings, when he was clerk of Delaware  
 District, I was a candidate once for Council in the Downing Party.



... of deputy clerk to read any one place of a  
... citizen? A Only as a citizen, yes sir.  
Q Is that all? A (No reply).  
Q Now the children of members of your family attended  
... schools, and were of legal age? A Yes, sir.  
Q Have the members of your family been all the while subject to the  
jurisdiction of the courts of the Cherokee Nation? A Yes, sir.  
Q How have they been tried for any offenses against the law of the Nation?  
Q And have they instituted their civil suits in the courts of the  
Cherokee Nation? A Yes, sir.  
Q And had suits instituted against them in such courts? A Yes, sir.  
Q And of these suits have you been before a court of the  
Cherokee Nation? A Yes, sir.  
Q And were called upon by a court to testify? A Yes, sir.  
Q Is there anything else? A Nothing, your Honor, this is all. I  
... head-ache so bad I can't testify any more.  
THE COURT: TO THE WIT.  
Q Now all these years since Robert B. Rogers has he died? A I don't  
know, I couldn't answer that.  
Q Is he a very old man? A Yes, sir, he is getting to be old.  
Q How old, tell me how old he is that you? A No I don't know.  
Q Mr. James Watson in 1824 must have been a very old man, didn't he?  
A Well he is old and he is a feeble.  
Q Well you stated that he was a "silly" was it originally that  
was? A He used to live in Texas I don't know his family after  
he got to the Territory.  
Q I say he had gotten so old, did he die because of that?  
A I suppose so, the oldest one of these children was Mrs. Betty  
Watson, that's my grandmother's sister.  
Q And an older boy was John Dawson? A He always called me John.  
Q John Dawson was the oldest? A Yes, sir.  
Q And you the youngest? A Sam Riley.  
Q And he the youngest one of the crowd? A Yes, sir.  
Q Your father lived four or five years after he and you were  
admitted to citizenship? A Yes, sir, something about that, it was  
1827, I think he died in 1827, I won't be positive; that is as  
far as I remember now. I have got a headache so bad that I can't  
remember anything.  
Q Now none of the older members of the family were ever present  
at any of these trials of citizenship? A No, sir, not a one of  
them was.  
Q Now a one of them was ever called upon to testify as to the blood  
of their father, who she was or anything about it? A I don't  
know what they was.  
Q Your claim of kinship was through Captain John Rogers and that  
your grandmother was the half sister of Big Joe Vann, wasn't it?  
A I don't know, I couldn't answer the question.  
Q You were there when they took the testimony? A I was there when  
Dr. Baker's testimony was taken, that was about 10 years ago.  
Q And nobody kin to the Rogers and Vanns was ever called to  
testify in the case? A Not as I know of.  
Q They were very well known Cherokee families in the country?  
A I suppose so, I don't know.  
Q And yet nobody on any side of the family connected with it was  
ever called to testify? A Not that I know of, I don't know  
what my brother done, he taken some of the evidence at Tahlequah  
when I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.

Q Must have been a short time afterwards? A It was short time afterwards. I went back after him and it was too late and I fetched him the next time.

Q You had talked to your brother about that you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.

Q You had told him in general way you expected to use Dr. Baker as a witness? A Yes sir.

Q You went off, come to Atlanta and left your brother at Tallahassee after you told him that fact? A Yes sir.

Q You didn't see your brother any more until after you were admitted? A No sir.

Q You and he however had trips back and forth to Tallahassee and home at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.

Q But you were there and brought Dr. Baker over? A Yes sir.

Q Ask took his testimony a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.

Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.

Q The way he came into your case? A The way he claimed to come in.

Q He did more in your case than Bryant did? A Campbell didn't do anything.

Q What did Bryant do? A I think he helped my brother take evidence by brother employed him.

Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.

Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.

Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.

Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.

Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.

Q E. Dawson, you remember, had his son his grand-children? A That is my understanding.

Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Dawson and Will Jackson got him that was by understanding of me employed him.

Q The records here shows that the case was originally instituted by C. M. Taylor and was finally admitted by his September 2nd, 1904, in the James Dawson case? A I don't deny his being in that case.

Q You say he was employed in the E. Dawson case? A I don't know who was in the Bennett children's case.

Q The records show that Campbell Taylor instituted the case, and it was finally admitted by him, and Mr. Bennett, who testified a while ago? A That was in the James Dawson case, wasn't it?

Q That was in the E. Dawson grand-children? A Elbert?

Q No, in the Bennett children's case? A Oh yes.

Q He was likewise attorney in the Lary Dawson case, was he, and for the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.

Q And the case likewise of Piley Dawson? A I don't know anything about those.

Q They are relations of yours? A Well I wouldn't say.

Q James K. P. Dawson proves to be a son of Piley Dawson? A Well if he is he is by connection then. There are so many Dawsons I don't know them all.

Q You know Andrew J. Dawson? A Yes sir.

Q The Lawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.

Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.

Q He refers in his application as being a cousin of P. Dawson, and yourself, who were admitted to citizenship by the Texas Court? A He may be, I don't know nothing about it.

Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about other people.

Q Old man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.

Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.

Q Then he was not paralyzed? A No, I brought him over there in back from Berryville, Arkansas.

Q Well I say he was a very old man? A Yes, getting old.

Q Now didn't you come to this place up there joining Bronght's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.

Q And you subsequently built a log house on it? A Yes sir.

Q And went back and got your wife and moved her to the log house? A Yes sir, went to Braka and got my wife.

Q You never saw your grandfather at all? A Saw Dawson, yes sir, I saw him.

Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Piley Dawson, and he was there.

Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.

Q How old a man was he at that time? A Pretty old man.

Q You never saw your grandmother, she died before she got?

A Yes sir, I never saw her at all.

Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.

Q I mean who first conceived the idea? A I first conceived talking about it.

Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.

Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.

Q They were getting pretty thick in there in 1880? A Well in '83 and '4 and '5 I think.

Q Been very excited about there to get yourselves on the roll? A Just got to be everybody; but it wasn't at the time we was admitted there was not such a stir about the rights here.

Q Well the water had been admitted before that? A I suppose they had; there was not such excitement over the water claim at that time.

BY MR. HASTINGS:

Q You did locate and board with Sam Shables when you first came to Tahlequah in '81? A I think I did.

Q Your brother Nick Dawson stayed there also? A Yes sir.

Q Sam Shables lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard that but I have forgot them.

Q You don't recollect any name now? A I don't remember the name, sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Tell it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear by certificate does it?

A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of records?

A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No, not even find our petition.

Q Samuel B. Dawson applied to what is the name the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning?

A Well I don't know, they claimed to be, I never let them to know them.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Wiley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and came back and they told me about it.

Q You never found out that O. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Yes it shows here from the record; I could rather be excused for my part of it.

Q You were the man that had the most to do with it? A I never employed him, I saw any that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your uncle J. B. Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by J. H. Dawson's firm at your father's house?  
A Why not but the grand-children.

Q J. H. Dawson's petition was filed in September last, is that right?  
A Yes sir.

Q G. H. Taylor, attorney of record, filed the petition? Did he  
right have filed it for a while?

Q Well you hadn't at that time fallen out with G. H. Taylor?  
A No. Why no, we never did have any trouble, although I suppose  
I never would give it back to us or give it to Bryant.

Q You never discovered that he was signing until after your  
judgment was rendered? A I don't know of any of your father's.

Q Are you and Bryant, in any way testifying for the Church  
petition, or speaking to us? A Partly so.

Q Does he refuse to speak to you? A No sir, he does not.

Q Do you refuse to speak to him? A Yes sir.

Q Have you been speaking to him since the last time you were out?  
A I have not and do not intend to do so here or elsewhere the  
other day.

Q First time you spoke to him since he left the boy arrested? A Yes  
sir.

Q When did he have the boy arrested? A About the 1st day of  
October, September I think.

Q Then did Mr. Baker die? A I don't remember.

Q You don't remember how long after your father's death?

A No, I don't know.

Q That is your age? A I will be 60 in May.

Q Then you were born in '42? A Yes sir, 12 according to the  
record.

Q Was your father as much as 2 years old when you were born?  
A I couldn't say.

Q What was your best judgment? A I don't know, he was 20 or 25  
years old. My understanding he was 20 years old.

Q Can't you give any better idea than 4 or 5 years of your father's  
age? A I say 25.

Q Your father was born say, 25 from 42 would make him be born  
in 1817; now had your father any other brothers or sisters? A I  
think Jack Dawson was the oldest of the family, he, Peter, and  
was the oldest and Jack next, and then my father and all.

Q There are two girls older? A No, only the girls I never met.

Q Then you think there are only 3 older than you? A Yes,  
but I don't understand of the family.

Q Mr. Baker gives his age 77 in '82. If he would make him be born  
in '89, now it states that he was 15 or 16 years old, which  
added to 1809, will make 1824, that your grandfather Anna Priett, as  
a school girl; whereas from your testimony and that of the family  
history introduced here shows that your grandfather Anna Priett  
was the mother of seven children, the youngest being born in 1837,

how do you reconcile that? A I don't remember about the statement  
of Mr. Baker; I don't know what he would do such a statement that,  
I don't remember about it.

Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted  
you? A No sir, I was not acquainted with them.

Q You know whether they were old or young men? A They were old  
men like Steve Tches. I got acquainted with him afterwards, and  
to be Thornton, at the Council you know I was there a good deal.



- Q That was the fellow that was on the Court? A Yes sir.
- Q He was afterwards assistant chief of the Cherokee Nation?
- A I think so.
- Q Steven Teece, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
- Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
- Q Don't you know he did? A I think he did, as well as I remember.
- Q Were not you over there to his room? A I think I was.
- Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Tex., was in January Term of 1882 I believe, it was, as well as I remember about it.
- Q Well you didn't take any more testimony after Dr. Baker testified?
- A No sir, I didn't.
- Q But your case was not submitted or passed upon for a year?
- A I think it was, yes sir, as well as I remember.
- Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Blasingame came with us when we moved here, and went back and got his family and moved that fall.
- Q Did he move his family here that same fall? A Yes sir.
- Q What year was that? A In the fall of '83 I believe it was, as well as I remember now.
- Q When did the Bulaska family come? A I think the girl and the old lady came in the next spring.
- Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her husband come back.
- Q Did she come back until after her marriage? A No, she was married when she come first.
- Q The last time? A She was married I think, she was married when she come out.
- Q How long has August Bulaska been a permanent and continuous resident of the Cherokee Nation? A I think he come there in the fall of 1884 or 1885, I wont say which.
- Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
- Q What was that? A '83.
- Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
- Q Who is Arizona Alrey? A That is my daughter.
- Q Did you bring her with you? A No not when I moved.
- Q When did she come? A She come out in a year or two after I moved here.
- Q Was she married when you moved here? A No sir, she was not married.
- Q She was not married when you were admitted? A No sir, she was a child.
- Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
- Q What was his mother's name? A Melvina Dawson.
- Q You know Jim Lowe's age? A No sir.
- Q Don't know how old he was in '83? A No sir.
- Q Was he grown? A I think he was.
- Q Married? A No no.
- Q Married in this country? A Yes sir.
- Q Who is James H. Hanson? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.

Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.

Q You know Gideon Graham? A Yes sir.

Q Who is his mother? A Minsami Ann Graham, formerly Minsami Ann Dawson.

Q Did he come from Texas to Arkansas? A Come from Texas.

Q Did you know them in Texas? A I knew the girl.

Q You never knew them until they come to this country? A I never knew him.

Q When did you see him here? A I think they come here in the fall or winter of 1894 or '95.

Q He was married then? A I think he was.

Q Brought his wife? A I think he did, I don't know.

Q Did he have any children when you first saw him? A He come to my home and I never saw his family for-I don't know, for several years.

Q You understand he had a family? A Yes sir.

BY MR. LOCKENHON:

Q Did you want to say '84 or '94? A '84.

Q Did you see Gid Graham in '84? A '84, let me study, March '85.

BY MR. HASTINGS:

Q Did you see him in '85, are you positive on that proposition? A I think so.

Q Will you swear it? A No sir, I want positive swear it, but I think it was, or I remember or it was; I couldn't say positive.

Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenized by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? Ask the question again.

Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenized by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.

Q They all dressed money and all tried in the courts as long as we had tribal courts, were they not? A Yes sir, so far as I know.

Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.

Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges as native born Cherokees.

Q Well I say there is other special about it? A No, I don't know where there is.

Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, I know him, when I saw him.

Q Mr. Will How did the examination of Dr. Baker? A Yes sir.

Q Did you file any other paper before the court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.

Q How many? A I can't remember any.

Q Well you never had occasion to file any papers before the court? A I got him to do some writing for me.

Q That's a letter to my brother in Texas.

Q Nick Dawson? A Yes sir, E. Dawson.

Q What? A Yes sir, Rich Dawson.

Q What is that all he did for you? A I don't remember about it.

Q Why didn't you get your attorney to do that letter writing? A There was not any there.

Q Taylor nor Benge was not there then? A No sir.

Q That is what you paid the 20 or 25 dollars for, was writing

the letter back to your brother? A I paid him for that claim.

Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and set it where I did; might have been 2 years. I don't remember.

Q There was Duncan living then? A I couldn't say there.

Q Was he still clerk of this Court? A No sir, not when the money was paid; that is, when Camp Taylor's money was paid it.

Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.

Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.

Q How much did you give him? A One hundred dollars.

Q When? A Right at that time; he said it should be given to me for my papers; he came into me and demanded it for Bryant.

Q You never sent him any then after that? A No sir.

Q Did you ever see Bryant after that? A Yes sir.

Q How long after that? A I don't know, a year or two afterwards.

Q A year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went once my brother about it and he never paid him until he moved out to this country.

Q After all that you let him to attend to your uncle J. Dawson's and the other relatives cases? A The other parties did.

BY MR. MCKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by their representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgment admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. MCKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Therpeon.

Q Are you positive of that fact? A Yes sir.

Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?

Q Andrew J. Dawson, who claimed to be from Missouri? A How was the question?

Q You do not know them do you? A I don't know that they are any kin to us.

Q You don't know that they are related to you at all? A No sir.

Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.

Q Don't know who they are? A No sir.

Q The Rebecca Dawson case? A I don't know her either.

Q You don't know whether they are related to you or not? A No sir.

Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q. Now Mr. Barber, do you know anything about them? A. They claim to be kin to us.

Q. Where are they from? A. They are from Texas.

Q. Do you know they are related to you? A. They claim to be kin.

BY MR. HASTINGS:

Q. Will you swear for them before the Commission? A. Yes, they claim to be Minfolks of mine.

BY MR. MCKENNON:

Q. Irene J. House, who is that? A. That is a cousin of mine; claims to be.

BY MR. HASTINGS:

Q. You testified for her didn't you before the Commission? A. I think I did as well as I remember.

BY MR. MCKENNON:

Q. Before the Court that admitted James Dawson and family, who were the witnesses there? A. Oliver Miller, from Berryville, Arkansas.

Q. Who were the others? A. Myself and J. Dawson and there were two other witnesses, I don't remember who they are.

Q. Were they Cherokee citizens and residents of the Cherokee Nation? A. Yes sir.

BY MR. HASTINGS:

Q. You don't remember their names? A. Which?

Q. Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A. I said about the J. Dawson case was citizens of the Cherokee Nation.

Q. You only proved that Jim Dawson was a brother of Robert Barber before the Court? A. Yes sir.

Q. And then referred back to the decision in the Court before? A. We proved that they were citizens, and he had folks before me ever come here.

Q. Was he older than Dr. Baker? A. About the same age.

Q. Why didn't you get Oliver Miller's testimony in the House case?

Q. He was dead.

Q. You and no member of your family in the Irene House case or the James Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you?

A. I don't remember about that.

Q. You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A. I don't remember about that now.

Q. You never made reference to any other witness having testified other than Dr. Baker did you? A. I don't remember about it now.

BY MR. MCKENNON:

Q. Now just one other question: All of those papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or misplaced are they not? A. I assume they are, I don't know, I never saw them.

Q. Have you tried to get copies of them? A. Yes sir, I tried to get the original papers.

BY COMMISSIONER: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1902, it now being the hour for adjournment.

MARCH 20, 1902, - 8:30 A. M. - P. 12, DAWSON again on the stand, testified as follows:

BY MR. MCKENNON:

Q. Where was your brother Jim Dawson raised? A. In Arkansas.





BY MR. McKENNON:

- Q Did Josephine Pierce have a daughter who married Mr. Bogle?  
A Yes sir.  
Q What was her name? A I always known her by Bode Pierce; I don't know whether that is her right name or not.  
Q What is Bogle's name? A John Bogle.  
Q She is the child of Josephine Pierce who married John Bogle?  
A Yes sir.  
BY MR. HASTINGS:  
Q Where did she marry John Bogle? A Near Afton.  
Q When? A I couldn't state.  
Q About when? A You have got a copy of the marriage license.  
Q When did Josephine Pierce come to the Cherokee Nation? A '83.  
Q Has she lived here continuously since that time? A Up until her death; she is dead.  
Q Any of her children come with her at that time? A Yes sir.  
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

- Q Your name is J. C. Starr is it? A Yes sir.  
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)  
A Yes sir.  
Q Where? A At the residence of S. H. Bengel near Fort Gibson.  
Q When? A On the 15th day of this month.  
Q That day of the week was that? A On Saturday.  
Q Is that the day it was taken? A Yes sir.  
Q Did you go there on Saturday to take this? A Yes sir.  
Q Then when Judge Bengel stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?  
A It was taken Saturday, the 15th.  
Q Was he mistaken or not? A It was not taken then.  
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?  
A I think not, because I was there, and it was taken on the 15th.  
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.  
Q Then of course his statement could not be correct? A I guess not.  
BY MR. HASTINGS:  
Q He was just mistaken about the date, wasn't he? A Yes sir.  
BY MR. McKENNON:  
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.  
BY MR. HASTINGS:  
Q I sent you there last Saturday? A Yes sir.  
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

- Q What is your name? A My name is Robert L. Dawson.  
Q What is your age? A My age is something close to 30 years old, I am 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?  
A Yes sir.

Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and he looking over them I saw this letter.

Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.

Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. MCKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Benge.

Q Are you a son of Samuel H. Benge? A Yes sir.

Q Do you know his handwriting? A I believe so.

Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.

Q To the best of your knowledge and belief is that his letter?  
A Yes sir.

BY MR. MCKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

Fort Gibson, C. N.,  
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,

S. H. Benge,

Attorney at Law.

Enclosed in envelope, as follows:

Card in upper corner, left hand:

"Refer in last case to C. H. Taylor.

Attorney at Law,

Tahlequah, Ind. Terr."

Addressed: Mr. E. Dawson,

Henry ~~...~~,  
Clay Co., Texas."

Post-marked: "Chouteau, Jan 17 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. MCKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Along the same that you found the Benge letter? A Yes sir.  
BY MR. MCKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.  
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him \$20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him \$100- and that you had offered him a check on some bank in Texas.

That \$100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,

Very truly,

J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A He, I don't know whether I know his age or not.

Q If you don't know you can't say? A I couldn't have no reason to know his age; never asked for his age; of course I guess by other know.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attent on to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. MCKENNON:

Q What is your name? A Gid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.

Q How long have you been living in the Territory? A I came out here in 1887 or '88.

Q To the Cherokee Nation? A Yes sir.

Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.

Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.

Q How long did you live in the Cherokee Nation? A About 6 years.

Q Where did you go then? A Wagoner.

Q In the Creek Nation? A Yes sir.

Q And been residing there ever since? A Yes sir.

Q In business? A Yes sir.

Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.

Q Mr. Graham, do you know Judge Samuel H. Bengé? A Yes sir.

Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.

Q Taking the census of the Cherokees? A Yes sir.

Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.

Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.

Q That did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?

Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.

Q And he told you the judgment was all right? A Having known that Mr. Bengé was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.

Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.

Q Your mother was Missouri Dawson was not she? A Yes sir.

Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.

Q And was not Missouri Dawson as named in that judgment? A Yes sir.

Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted?

A There were not any of them married.

Q Ella Dawson was your aunt? A Yes sir.

Q Was she married at that time? In 1888? A Yes sir.

Q Melvina Dawson, was she married at that time? A Yes sir.

Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of his birth? A Yes sir.

Q And so, please? A January 11, 1897.

Q And you care to be sworn in as a citizen? A In 1907 or '08.

Q You can't have a citizen's certificate? A Well, sir, I was in a good while ago, but I don't know where it is, to cause I do

Q Well, I don't know where it is, but I would have an affidavit made

Q Now, do you recall the name of the

Q You were born in the Territory? A Yes sir.

Q Now, first child of your father? A Yes sir.

Q What is his name? A Julius.

Q And you were married, and you had children, from the year of 1897

Q Since then, in 1897, you had children.

Q And to your common-law wife, is it not?

Q That is the only child you had that was born any from here?

Q No sir, Julius.

Q Julius was not born in the Territory? A No sir.

Q And prior to the time of your removing to the Territory? A Yes sir.

Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.

Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on"? A Well now as to the first part of that question, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.

Q You never had met him before, or had any communication with him?

A I never met him before as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.

Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.

Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see us were all put off the rolls.

Q Said he would use his influence against you, that is what he said? A Yes sir.



BY MR. HASTINGS:

Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.

Q You went to Captain Renge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.

Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.

Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.

Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.

BY MR. McKENNON:

Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. McKENNON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be exact as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.

Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '34 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. HUTCHINGS:

Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.

Q Who was W. A. Dawson? A That is Wilburn, my uncle.

Q Was he here? A I don't know sir.

Q You were not here any of the time? A No sir.

Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.

Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?

Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.

Q Very old, how old was he died? A Yes sir.

BY MR. McKENNON:

Q About what age? A He was approximately 80 years old.

BY MR. HUTCHINGS:

Q When he died? A Yes sir.

BY MR. HASTINGS:

Q That about 1891? A I think so, yes sir.

BY MR. MCKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q Your name is James R. Dawson? A Yes sir.

Q Where do you live? A Acton, Indian Territory.

Q What is your age? A 45.

Q You are a physician, are you not? A Yes sir.

Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.

Q Do you know what his age was at that time? A No sir, I do not, only approximately.

Q State as nearly as you can? A At the time of the admission?

Q Yes sir? A About 70, I don't know exactly.

Q How old was he when he died? A I would suppose he was about 78.

Q What was your age in 1884? A I was 45.

Q What year were you born, Doctor? A I was born in '50.

Q That would have been '50? A Yes sir, that's right.

Q What was your age then? A In '84?

Q Yes sir? A About 22.

Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.

Q You were present during your father's case? A I was there at the time.

Q When was that? A The dates I don't remember; when the case first came up, I don't remember the exact date.

Q How long were you there? A I was there about a week.

Q Was that when it first came up you say? A Yes sir.

Q Nothing was done? A No sir.

BY MR. HUTCHINGS:

Q You never saw Dr. Baker? A Yes sir.

Q Did he and your uncle Jimmie use to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?

Q Yes? A I never saw them together.

Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.

Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.

Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, but as I know anything about.

Q He was about 70 then? A I couldn't tell you, he was an old looking man.

Q Your uncle Jimmie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tahlequah, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 10th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I suppose they did know about the case.

With reference to S. H. Bengé, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Bengé's place to take his affidavit on Saturday, March 14, in the W. H. and J. W. Shoemaker case, and to descendants. I had heard that Mr. Bengé knew some important facts in connection with the Shoemaker case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases and I was surprised to find he had instead of one affidavit, in the Shoemaker case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Bengé knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly, gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. MCKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.

Q He therefore did it simply upon your persuasion? A Yes sir.

Q You knew he had been acting as attorney for those parties?

A Yes sir, I had seen from the record that he did so.

Q And he told you so? A Yes sir.

BY COMMISSIONER: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted copies from the records of the transcript in this case in which to file a brief in this case with the Commission.

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.

I, Arthur G. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

*Arthur G. Evans*

Subscribed and sworn to before me this 18th day of December, 1902.

*B. C. Jones*  
Notary Public.



... I hope the ...  
... I hope the ...  
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Teranna Woolley, et al.,	Cherokee	D	406
Henry T. Richardson, et al.,	"	D	710
Etta Brauer,	"	R	12
Holmes A. Dawson,	"	R	25
Alonso M. Fishback, et al.,	"	D	348
Hiram F. Weddle, et al.,	"	D	521
William D. Douthitt,	"	D	583
Florence Morgan, et al.,	"	D	737
John E. Fishback,	"	D	845
George A. Mabry, et al.,	"	D	979

D E C I S I O N.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 324 By Francis H. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob E., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Nellie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William R. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not covered in this decision.

D 584 By Andrew S. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Marie Atkins and his minor children, Arthur, John E., Robert S. and George J. S. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902.

D 598 By Francis H. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself as a citizen by blood.

D 333 By Francis L. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Stephanie, and his minor children Dora, Ida, Marie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Yola M., Samuel H., Rosa B., Charles B., Hattie J., Jennings B. and James C. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 30, 1902.

D 560 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marise J. Dawson as citizens by blood.

D 530 By Orie H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 408 By Robert Dawson, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 429 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 31, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471

D 472 By John R. Gray, at Vinita, Indian Territory, on October 23, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Essie Blance (now Essie Akins), as citizens by blood. John R. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1901, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna M., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 11, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 36\* By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Kollie, and his five minor children, Nora, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.



D 836 By James H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil F. Dawson, a fourth child of the applicant.

D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife, Mary A. as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Gona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 604 By William O. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.

D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 608 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

- D 608 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.
- D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.
- D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 3, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.
- D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.
- D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tempa V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.
- D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracia L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.
- D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.
- D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.
- D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James E. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 859 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe as citizens by blood.

- D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.
- D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.
- D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Della F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper O. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of said application.
- R 12 By Etta Braker, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.
- P 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.
- D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.
- D 522 By William L. Bouthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.
- D 343 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.
- D 737 By Albert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Glide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 845 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 979 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Anna, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1886 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1886 and 1894, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1886 and 1894, Ella Dawson and W.A.



Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 580, D 581, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the case of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. F. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis H. Dawson, Jr., and Arizona Alfred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payroll roll of 1894, and William R. Dawson and Arizona Alfred are identified on the Cherokee Census roll of 1896.

Andrew G. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 29, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Len Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

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."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew G. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 358, D 365, D 482 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Balawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Balawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 23, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage.

four older children are identified on the Cherokee Census roll of 1896, and the Strip Payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Hannie Dawson, nee Baugher, was married to the said John F. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1896, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Hannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 380 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated, Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the case of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. F. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Orle H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Mariee J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Adlie York, and Burr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1889. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (no: Effie Akins) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Myrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.



Oma Gray was married to John B. Gray on April 7, 1898, and Cecil and Walton Gray are the issue of that marriage. Oma Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Oma Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akins was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akins, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered D 364, D 475 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1880, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and her inbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Nellie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Nellie Moore, formerly Dawson, is identified as the Nellie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claiming through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip Payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip Payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William G. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1896. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizenship



1813 in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spiekerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the state of Texas in 1868, and has lived with her since that time. Tampa V. and Robert E. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee census roll of 1898.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis K. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard T. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1886, and has lived with her since that time. Tomp V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of

Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in some State prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Tashie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Tashie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three elder children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lissie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495) heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Tashio A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lennox, and his wife, Fannie Lennox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.



The authority of the Commission herein is derived in Section 11 of the Act of Congress approved June 27, 1896 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip Payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 23, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children heretofore applied for, Della F. Richardson is the child of the applicant by his first wife, Sellar. Finis T. Richardson and Jasper C. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Leona, Conroy, Clifton and Miss Flournoy are the children of the applicant and Kitty Flournoy.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Delia T. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 26, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Welley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: Hiram T. Waddle, et al D 521; William B. Douthitt, R 522; Alonzo M. Fitchback, D 343; Florence Morgan, et al D 737; John T. Fitchback, D 645 and George A. Mabry, et al D 979. The persons embraced in these appli-

entions are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 13, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 18, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William B. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 15, 1884. He is identified on the Cherokee Census roll of 1896.

Alonso M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1895, to Laverna A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Laverna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of said marriage. Alonso M. Fishback and his said wife and children are all identified on the Cherokee census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December, 1, 1894 with the said Kitty Richardson as a member of her family. Glide and Alice A. Morgan are her children by her said husband. The said children are

identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1883, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children advanced in this decision, and heretofore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said persons.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 98 U.S. page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. H. Bryan appears to have been an attorney in the case, and after some delay he notified Samuel H. Dawson that the case would be taken up by the Commission at its session in January, 1882, and that afterwards that C. H. Taylor would look after Dawson's interests as to the same.



would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel L. Bange to go to Tahlequah and conduct the case. Bange who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1885, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Bange but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if what was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no challenge.

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. H. Deuge, C. H. Taylor, Thomas E. Babcart, J. E. Clinkenbeard, James W. Lewis, C. G. Drought and David Meredith.

S. H. Deuge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's books is all on one page, the entry of the application is 1881 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud.

Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testi-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tash Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McKennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1863, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Draught also testifies that he was an applicant for citizenship about 1861 or 1862, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1868, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Tennesse Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such money was used for fraudulent purposes and the proof to the contrary must be very clear.

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Such evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was



fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teehee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants were never lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has not authority to admit them to citizenship.

While it is true, that since 1863, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts, applied with equal force can for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1865; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1862, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert I. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Elanone Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Mattie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola H. Dawson, Lemuel H. Dawson, Ross B. Dawson, Charles E. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orie K. Dawson, Davy B. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles H. Pierce, Sam Gray, Cecil Gray, Volten Gray, Myrtle Ann Gray

Lillie Pierce), Nancy J. Bogle, James E. Bogle, Edna M. Bogle,  
John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson,  
Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson,  
Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C.  
Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora  
Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Elbert L.  
Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander  
Blasingame, Jr., Elmer F. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson,  
Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson,  
Virgil V. Patterson, William C. Dawson, Robert L. Dawson,  
Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E.  
Dawson, Ella L. Spickerman, Hellen J. Spickerman, William  
Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham,  
Gideon Graham, John W. Graham, Julius E. Graham, Francis W.  
Graham, Mary E. Graham, Jesse E. Graham, Gracie H. Graham,  
Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P.  
Painter, John W. Painter, Ray D. Painter, Roberta A. Painter,  
Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude  
Bradshaw, Joe E. Graham, William C. Graham, John F. Graham,  
Edna M. Graham, Robert Lee Graham, Joe Willie Deal, James H.  
Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd  
Graham,

(Group X) Ella Jackson, Flora Harman, Lillie E. Harman, Clara Harman,

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis L. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 358) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddle and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddle Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TALS BERRY,  
Acting Chairman.

(Signed) T. E. NEEDHAM,  
Commissioner.

Filed at Muskogee, Ind. Ter.,  
2219 Dec. 25, 1902.

(Signed) C. E. BUCKENRIDGE,  
Commissioner.

Drup

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE ENROLLMENT OFFICE.

Minute Book

APR 29 1903 A.M.

Present at the Cherokee Enrollment Office

The following persons

Roll No.	Name	Sex	Age
264 ✓	Joseph P. Lawson		51
D-314 ✓	Lawrence B. Lawson	Gov	14
D-364 ✓	Lawrence J. Lawson	Gov	12
D-363 ✓	Elmer J. Lawson	Gov	10
D-314 ✓	Lee Lawson	Gov	6
D-314 ✓	Infus J. Lawson	Gov	3
D-314 ✓	Edgar Lawson	Gov	2

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.

*[Signature]*  
Enrollment Clerk

*[Signature]*  
CHAIRMAN  
Chairman

*[Handwritten mark]*

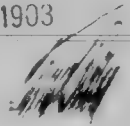


D 864



COMMISSION OF THE CIVIL SERVICE

FILED  
MAY 5 1903



144

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

CHEROKEE ENROLLMENT OFFICE.

Vinda, I. T., I. T., APR 29 1903 A. D. 1903

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
A 264 v	Flourice Lawson		38

Represented by Joseph R Lawson, Husband

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.

*[Signature]*

Enrollment Clerk.

*[Signature]*

CHAIRMAN

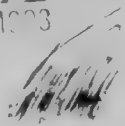
Chairman.

*[Handwritten mark]*

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COMMISSIONER OF THE GENERAL LAND OFFICE

FILED  
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( COPY )

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

A. F. Mc

In the matter of the application of Arizona Allred, et al., for enrollment as citizens by blood of the Cherokee Nation, consolidating the applications of--

Arizona Allred, et al.,  
Effie Akin, et al.,  
Florence Dawson,  
Francis Marion Dawson,

Cherokee D-836,  
Cherokee D-472,  
Cherokee D-364,  
Cherokee D-627.

This decision is supplemental to the decision rendered by this Commission on December 23, 1902, in the case of Francis M. Dawson, et al., and is amendatory to Groups I., IV., V. and VIII., of said decision.

-:-

D E C I S I O N .

The record herein shows that applications for enrollment as citizens by blood of the Cherokee Nation, were made to this Commission as follows:

D 836 Group I. By Francis Marion Dawson for Arizona Allred and her minor child, William Clinton Allred.

D 472 Group IV. By John B. Gray for Effie Pierce. Subsequent to the filing of the original application wherein the said Effie Pierce married one Will Akin, and she will now be listed for enrollment as Effie Akin. October 29, 1902, an affidavit was filed showing the birth of Velva Kay Akin on June 16, 1902.

D 364 Group V. By Joseph R. Dawson for his wife, Florence Dawson, nee Jackson.

D 627 Group VIII., By Francis Marion Dawson for himself.

The record further shows that on December 23, 1902, this Commission rendered a decision herein denying Arizona Allred, William Clinton Allred and Francis Marion Dawson, the right to enrollment, and enrolling Effie Akin (said decision did not include Velva May Akin,) as citizens by blood, and enrolling Florence Dawson as a citizen by intermarriage, of the Cherokee Nation.

D 836, Group I., Departmental letter of March 31, 1904 (I. T. D. 7442-03), remanded the record in re Arizona and William Clinton Allred for further investigation as to their rights to enrollment. Supplemental testimony in the matter of said application was taken at Tahlequah, Indian Territory, May 14, 1904.

D 472, Group IV., Departmental letter of April 13, 1904, (I. T. D. 7444-03), remanded the record in re application of Effie Akin for further investigation as to her rights to enrollment. Supplemental testimony in the matter of said application was taken at Muskogee, Indian Territory, June 20, 1904.

D 364, Group V., Departmental letter of March 31, 1904, (I. T. D. 7464-03), remanded the record in re application of Florence Dawson for further consideration by the Commission.

D 627, Group VIII., Departmental letter of March 31, 1904, (I. T. D. 7906-03), remanded the record in re application of Francis Marion Dawson for further investigation as to his rights to enrollment. Supplemental testimony in the matter of said application was taken at Tahlequah, Indian Territory, May 14, 1904.



The testimony taken in re application of Francis M. Dawson, et al., Cherokee D 324, for enrollment as citizens by blood of the Cherokee Nation, is filed with and made a part of the record in this case.

D 835, Group I. The evidence shows that Arizona Allred died on January 8, 1901. An affidavit to that effect is filed with and 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."

The evidence further shows that the minor applicant, William Clinton Allred, is the child of Arizona Allred, deceased, and possesses no rights to enrollment except as her descendant; that he was born in the state of Arkansas, and, with the exception below noted, has resided therein since birth. The said William Clinton Allred is identified on the Cherokee census roll of 1896.

The evidence further shows that the said Arizona Allred was a Cherokee by blood, and that prior to reaching her majority, she was a citizen of the Cherokee Nation; that after reaching her majority she removed to the state of Arkansas, where she married one Lee Allred, and, with the exception below noted, resided in said state until her death in January, 1901. In September, 1898, Arizona Allred, with her husband and child, William Clinton Allred, moved to the Cherokee Nation, remaining there about one year, when, taking with them their effects, they returned to the state of Arkansas.

Article one, section two, Cherokee Constitution, 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 his rights and privileges as a citizen of this nation shall cease; . . . ."

D-472, Group IV. The evidence herein shows that Effie Akin, nee Pierce, is the daughter of one Josephine Dawson, who, on January 11, 1883, by the properly constituted authorities, was admitted as a Cherokee by blood, to citizenship in the Cherokee Nation. It further appears that at the time of said admission Effie Akin, nee Pierce, was a minor member of her mother's family, and that, with the exception below noted, she has since said date of admission, continuously resided in the Cherokee Nation. In the year 1901 the said Effie Pierce was married to one Will Akin, a resident of Colorado, and since said marriage she has, during a part of the time, resided outside the limits of the Indian Territory. It further appears that for a number of years past the said Effie Akin has owned and controlled valuable property in the Cherokee Nation, and it does not appear that she has forfeited her rights to citizenship therein.

Velva May Akin is the daughter of the said Effie and Will Akin, and has resided with her parents since birth.

D 364, Group V. The evidence herein shows that the said Florence Dawson, nee Jackson, is the daughter of Green W., and Ellen Jackson, who, on September 14, 1883, by the properly constituted authorities, were admitted as Cherokees by blood to citizenship in the Cherokee Nation. It further appears that at the

time of said admission the said Florence Dawson was a member of her father's family, and that she has continuously resided in the Cherokee Nation since the date of said admission.

D 627, Group VIII. The evidence herein shows that the applicant, Francis Marion Dawson, is the son of one Elbert Dawson, who, on January 11, 1883, by the properly constituted authorities, was admitted as a Cherokee by blood, to citizenship in the Cherokee Nation. It further appears that at the time of said admission the applicant, Francis Marion Dawson, was member of his father's family, and has continuously resided in the Cherokee Nation since the date of said admission. The applicant herein is identified on the Cherokee pay roll of 1890 and the Cherokee Strip payment roll of 1894.

It is, therefore, ordered by this Commission that the application for the enrollment of Arisena Allred as a citizen by blood of the Cherokee Nation, be, and the same is, hereby dismissed under the provisions of section twenty-five of the Act above noted; and it is the opinion of this Commission that the name of William Clinton Allred appears upon the 1896 census roll of the Cherokee Nation without authority of law, and that the application for the enrollment of the said William Clinton Allred as a citizen by blood of the Cherokee Nation, should be denied; and that, following the rulings of the Department in the cases of Clement G. Clarke, et al., (I. T. D. 1376-03), and Joseph D. Yeargain, et al., (I. T. D. 2900-03), as to Effie and Velva May Akin; and following the rulings of the Department in the cases of Martha Hill et al., (I. T. D. 3886-03) Guss Caldwell et al., (I. T. D. 7786-03), and Sarah A. Betser et al., (I. T. D. 8688-03), as



COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDHAM  
R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

A. MON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY TO THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 1st

1902

Joseph R. Dawson,

Afton, Indian Territory

Sir:-

You are hereby notified that the application of **yourself, your wife 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

**17th** 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,

Acting Chairman.

Cherokee B-244



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Shawnee D-524--

Shawnee, Indian Territory, January 24, 1903.

W. H. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

I have the honor to enclose a copy of the decision of the  
Commission to the Five Civilized Tribes, dated December 25, 1902,  
granting the application for the enrollment of Francis T. Dawson,  
Lula Dawson, Ray Dawson, Jessie T. Dawson, Jacob L. Dawson, Hugh A.  
Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie  
Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F.  
Atkins, Francis T. Dawson, Jr., Samuel R. Dawson, August Dawson,  
Kate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Al-  
ford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie  
Bulawsky, Blanche Bulawsky, Ray Bulawsky, Oscar Bulawsky, John W.  
Dawson, Mattie Leeman, John Dawson, Robert C. Dawson, Iola M.  
Dawson, Lemuel H. Dawson, Rosa E. Dawson, Charles B. Dawson, Mattie  
J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson,  
Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Eurr R. Dawson,  
James T. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles  
E. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J.  
Doyle, James E. Bogle, Edna N. Bogle, John H. Bogle, Marvin B. Bogle,

Claud Togle, Nancy Edith Togle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Darius T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Winnie D. Dawson, Ernie C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Lollie Moore, Vera Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Winnie C. Blasingame, Albert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace P. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson, Vergil V. Patterson, William C. Dawson, Robert F. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Cideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Jesse E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Deal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Tonkie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene T. Woolley, Wilburn R. Woolley,

Mattie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Minis C. Richardson, Jasper C. Richardson, Delia C. Richardson, Meta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris C. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie D. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Robt Mabry and Stanley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Lannie Dawson, Sarah F. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John M. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alenzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Love, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

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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,  
(Signed) TAMS BIXBY,  
Acting Chairman.

Enc. K-130.



Muskogee, Indian Territory, February 10, 1903.

Dear Sir,

Attorney for Francis M. Dawson, et al,

Tewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Kate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Herman, John Dawson, Robert B. Dawson, Iola K. Dawson, Lemuel H. Dawson, Rosa E. Dawson, Charles L. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas L. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles A. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna B. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Hulus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Winnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna B. Moore, Henry A. Blasingame, Winnie C. Blasingame, Albert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Albert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina F. Dawson, Ella L. Spickerman, Hollen L. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie L. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Ma P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Bertie E. Lenox, Myrtle Lenox, Texasna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Minis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Braker, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie F. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Mattie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Elasingame, Mary A. Elasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, Ray Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lissie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddle Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

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 both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be 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.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior.

Respectfully,

(Signed) TAMS BERRY,

Acting Chairman.

Enc. 14-45.

Register.

COPY.

Cherokee D-524.

Muskogee, Indian Territory, February 25, 1905.

Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob I. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Samuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna B. Bogle, John H. Bogle, Marvin R. Bogle,



Claud Bogle, Nancy Edith Bogle, Joseph P. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Lora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva F. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James H. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie B. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Teshie A. Jackson, Fannie Lenox, Sigis E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Minis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Iogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Farmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret of the

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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) TAMS BEEBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, 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 matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

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

Respectfully,

(Signed) JAMES BERRY,

Chairman.

COPY.

Cherokee D-324.

Waukegan, Indian Territory, February 25, 1903.

At B. M. M. M. M.

Attorney for Francis M. Dawson, et al.,  
Waukegan, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in  
the matter of the application of Francis M. Dawson, et al., for the  
return of the title of the Cherokee Nation, has this day been trans-  
mitted 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) JOHN H. HUNT,

Chairman.



Cherokee D-384.

Muskogee, Indian Territory, February 25, 1903.

Joseph R. Dawson,

Afton, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself and your six minor children, Clarence N., Council J., Elmer A., Glee, Rufus T. and Edgar Dawson, as citizens by blood, and for the enrollment of your wife, Florence Dawson, as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKinnon, Nowata, 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 both your attorney and the principal 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 advised of the same.

Respectfully,

Cherokee D-264.

Muskogee, Indian Territory, April 12, 1904.

Joseph B. Dawson,

Afton, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 23, 1902, granting, among others, your application for the enrollment of yourself and your minor children, Clarence B., Council J., Elmer A., Cleo, Rufus T. and Edgar Dawson, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

*E. P. Nichols*

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis H. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis H. Dawson, et al., granting the applications for the enrollment of Francis H., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis H. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. P. Atkins, John W., Albert H., Ralph H., Alford, Samuel R., August, Kate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulinsky, John, Robert D., ~~Samuel~~, Samuel K., Rosa E., Charles B., Hattie J., Jennings B., James U., Vergal G., Thomas P., Marice J., Orle H., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Hester, Fashie A. Jackson, Fannie, Birtie W. and Myrtle Leno, ~~Missouri~~, Tampa V., Robert S., Gideon, John U., Julius H., ~~Frankie C.~~, Mary E., Jesse E., Gracie H. and Florence L. Graham, Lawrence A., Ada R., Eva F., John W., Ray D., Roberta A., and

Ray V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E.,  
William C., John P., Edna M. and Robert Lee Graham, Joe Willis  
James H., Marion, Maggie, Luther and Floyd Graham, Nellie, Nora,  
Walter, Clara, Ora, James H., and Edna Edith Moore, Richard W. and  
Ina E. Dawson, Ella L., Kellen J. and William Glenn Spickerman,  
Eldert B., Ralph E., Robert L., and William C. Dawson, Zona, Sarah  
A., Martha A., Claud A., Fagar D., Thomas M. and Virgil V. Patterson,  
Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar,  
Wilborn, James R., Winnie D., Ermine C., Edwin C. and Ancil E.  
Dawson, Hita Brauer, Kitty, Delia F., Minis T. and Jasper Cecil  
Richardson, Fagar, Walter, Alice, Laura, Oscar, Claude and Edna  
Fleurant, Texanna, Irene W. and Wilburn B. Wealby, Laverne M.,  
William A. and Annie B. Fishback, Lula P., Curtis, Morris G. and  
Roy Weddle, Florence, Glide and Alice A. Mawson, John E. Mawson,  
Elna, Roby and Charley Mabry and William D. Deuthitt, as citizens  
by blood of the Cherokee Nation, and dismissing the applications for  
the enrollment of Cecil Dawson, Lizzie and Margaret Brown as citizens  
by blood of the Cherokee Nation, they having died prior to  
September 1, 1902, was affirmed by the Secretary of the Interior  
on March 31, 1904, and that the Commission's decision rejecting the  
applications for the enrollment of James, May, Edna, Rebecca, and  
Nora Lawrence, Ceia, Lizzie, Jennie, May, and Gladys Jackson as citizens

-3-

by blood of the Cherokee Nation, was reversed by the Secretary of  
the Interior on the same date.

Respectfully,

SIGNED.

*T. B. Nease.*

Commissioner in Charge.



Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1903, in the consolidated case of Francis H. Dawson, et al., granting the applications for the enrollment of Francis H., Julia, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis H. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. J. Atkins, John W., Albert M., Ralph H., Alford, Samuel R., August, Kate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Elizabeth, Ray and Oscar Sulawsky, John, Robert E., Lola M., Lemuel R., Rosa E., Charles B., Hattie J., Jennings L., James U., Vergil C., Thomas P., Marice J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harson, Toshie A. Jackson, Zannie, Birtie E. and Myrtle Lenox, Lissouri, Emma V., Robert E., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, Laverna A., Ada R., Eva B., John W., Ray D., Roberts A., and

Boy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe K., William C., John P., Edna K. and Robert Lee Graham, Joe Willie Neal, James P., Marion, Maggie, Luther and Floyd Graham, Hollie, Vera, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Helen J. and William Glenn Spickerman, Albert B., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas A. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilbert, James R., Vinnie D., Braine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia P., Fintis F. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Jackson, Thelma, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie E. Fishback, Lula F., Curtis, Morris O. and Ray Waddle, Florence, Slide and Alice A. Morgan, John E. Fishback, Ray, Roy and Charles Babry and William D. Bouthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Lizzie and Margaret Graham as citizens by blood of the Cherokee nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 22, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, Ray, Zona, Robert, and Zona Love, Oala, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

-3-

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED):

*T. B. Needles.*

Commissioner in Charge.

Tahlequah, Indian Territory, May 7, 1904.

Commissioner to the Five Civilized Tribes,  
(Cherokee Division),

Washkee, Indian Territory.

Settlement

There are returned herewith Cherokee doubtful cards as

follows:

D-564, Florence Dawson;  
D-525, Martha A. Dawson;  
D-578, Sarah J. Dawson.

The applicants on each card, except the intermarried applicants, have been transferred to straight cards in accordance with the provisions of the Commission, and the cards are now retained in the office of the Commission at Washkee. Such disposition has been made of the intermarried applicants.

The original jackets and records are also enclosed herewith.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

COPY.

Cherokee  
D-258, et al.

Muskogee, Indian Territory, November 2, 1904.

W. B. 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 November 2, 1904, dismissing the application for the enrollment of Arizona Allred, rejecting the application for the enrollment of William C. Allred, and granting the applications for the enrollment of Effie and Velya May Akia, and Frances Marion and Florence Dawson, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Wm. James Bixby,  
Commissioner.



COPY.

Cherokee D-164.

Muskogee, Indian Territory, December 3, 1904.

Elarence Dawson,

Afton, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 8, 1904, granting, among others, the application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, South McAlester, 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,

Incl. B-3.  
Register.

SIGNED.

*James D. Doby*  
Chairman.

COPY.

Sherokee D-630,  
et al.

Waukegee, Indian Territory, December 3, 1904.

A. S. McKennon,

Attorney for William C. Allred, et al.,

South McAlester, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, rejecting the application for the enrollment of William C. Allred, dismissing the application for the enrollment of Arisone Allred, and granting the applications for the enrollment of Effie and Velva May Akin, and Florence and Francis Marian Dawson as citizens 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 is informed of the same.

Respectfully,

JAMES BIXBY,  
Chairman.

A. S. McKennon,  
Attorney.

DOPT.

RECEIVED  
AT 11

Flagstaff, Indian Territory, December 2, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Arizona Allred, et al., citing the Commission's decision dated November 2, 1904, dismissing the application for the enrollment of Arizona Allred, rejecting the application for the enrollment of William C. Allred, and granting the applications for the enrollment of John and Walter May Allred, and Florence and Francis Marvin May as citizens by blood of the Cherokee Nation.

You are advised that, on November 2, 1904, the Commission set aside the Cherokee Roll and gave Allred and his heirs time within which to file such protest as they might desire against the rolls of the Commission. In that case, no protest has been filed.

Respectfully,

W. C. C. [Signature]

W. C. C.

Special Agent

Department of the Interior

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 15, 1906.

Refer in reply  
to the following:  
Land,  
25052-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated December 3, 1904, transmitting the record of the consolidated applications for enrollment as citizens by blood of the Cherokee Nation, (group 1) by Arizona Allred for herself and her minor child, William Clinton Allred; (group 4) by Effie Akin for herself and her minor child, Velva May Akin; (group 5) by Florence Dawson for herself, and (group 3) by Francis Marion Dawson for himself.

November 5, 1904, the Commission decided adversely to Arizona and William Clinton Allred and favorably to Effie Akin, Velva May Akin, Florence Dawson and Francis Marion Dawson.

The record shows that the names of these applicants are found in the record of the application of Francis M. Dawson et al. and the record in the case of these applicants was remanded to the Commission for readjudication.

The decision of the Department in the Francis M. Dawson case et al., was made by groups, Arizona Allred et al. being in group 1, Effie Akin et al. in group 4, Florence Dawson in group



5 and Francis Marion Dawson in group 5.

In group 1, the record shows that Arisena Allred died January 8, 1901; that the minor applicant, William Clinton Allred is the child of Arisena Allred and possesses no rights to enrollment except as her descendant; that he was born in the State of Arkansas, and with the exception of one year has resided there since his birth. He is identified on the Cherokee Census roll of 1896. The evidence further shows that Arisena Allred was a Cherokee by blood and that prior to her majority she was a citizen of the Cherokee Nation; that after reaching her majority she removed to the State of Arkansas where she married one Lee Allred and, with the exception of about one year resided in that State until her death in January, 1901. In September, 1898, with her husband and child, William Clinton Allred she moved to the Cherokee Nation, remained about one year when, taking with them their effects, they returned to the State of Arkansas.

In group 4 the evidence shows that Effie Akin is the daughter of Josephine Dawson who was on January 11, 1888, duly admitted to citizenship by blood in the Cherokee Nation. It further appears that at the time of such admission Effie Akin was a minor member of her mother's family. In the year 1901, she married a resident of Colorado and has during a part of the time resided outside of the Cherokee Nation but has owned and controlled valuable property in said Nation.

Velva May Akin is a daughter of Effie Akin and has resided with her parents since birth.



In group 5 the evidence shows that Florence Dawson, born Jackson is the daughter of Green W. and Ellen Jackson who, on September 14, 1883, were duly admitted as Cherokees by blood to citizenship by blood in the Cherokee Nation. It further appears that at the time of such admission Florence Dawson was a member of her father's family and that she has continuously resided in the Cherokee Nation.

In group 6 the evidence shows that the applicant, Francis Marion Dawson is the son of Hilbert Dawson, who, on January 11, 1883, was duly admitted as a Cherokee by blood to citizenship in the Cherokee Nation. It further appears that at the time of such admission Francis Marion Dawson was a member of his father's family and has continuously resided in the Cherokee Nation. He is identified on the Cherokee pay roll of 1890 and the Cherokee Strip roll of 1894.

In view of the record the approval of the Commission's decision adverse to Arizona and William Clinton Alford and favorable to the other applicants is recommended.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

H.M.M.  
W.

49245.

W. C. F.  
FHE.  
J. P.

DEPARTMENT OF THE INTERIOR,

D. C. 32463-1903.

WASHINGTON. June 26, 1906.

I. T. D. 1726-1905.

L. N. S.

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

Gentlemen:

On February 25, 1905, you transmitted the record in the matter of the applications of Francis M. Dawson, et al, for enrollment as citizens of the Cherokee Nation.

In your decision of December 23, 1902, the applications were disposed of by groups, including in each group or class all those persons depending upon the same ancestry and source of rights.

On March 31, 1904, the Department rendered decisions disposing of each group with a separate letter. In said letters the Department approved your decision, except as to the following groups, concerning which groups the record was remanded and you were instructed to readjudicate the case as to the rights of the applicants mentioned below, viz: D-335, Group I, Arisena and William Clinton Allred; D-472, Group IV, Effie King; D-344, Group V, Florence Dawson; D-427, Group VIII, Francis Marion Dawson,

On December 23, 1904, you returned the record in said cases, which record also includes the application for the

enrollment of Velva May Akin, minor child of Effie Akin. The record shows that further testimony was taken subsequent to the remanding of the cases by the Department, in all of the cases remanded, except as to the applicant Florence Dawson. On May 5, 1904, you decided that the application for the enrollment of Arizona Allred should be dismissed, under the provisions of Section 28 of the act of Congress approved July 1, 1902; that the application for the enrollment of William Clinton Allred should be denied, and that the applicants Effie and Velva May Akin, Florence Dawson and Francis Marion Dawson, should be enrolled as citizens by blood of the Cherokee Nation.

Reporting February 15, 1906, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

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

Respectfully,

(Signed) E. A. Hitchcock.

I inclosure.

Secretary.

Cherokee D-364

Muskogee, Indian Territory, July 12, 1905.

COPY

Florence Dawson,  
Afton, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, you are hereby notified that the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, granting, among others, the application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was approved by the Secretary of the Interior on June 26, 1905.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a 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 Birby*

RECEIVED

Commissioner

Muskogee, Indian Territory, July 12, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Florence Dawson as a citizen by blood of the Cherokee Nation, you are advised that the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, granting, among others, said application, was approved by the Secretary of the Interior on June 26, 1905.

Respectfully,

Commissioner.



Cherokee D-504

Muskogee, Indian Territory, July 12, 1905.

A. S. McKennon,

Attorney for Florence Dawson,

South McAlester, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Florence Dawson as a citizen by blood of the Cherokee Nation, you are advised that the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, granting, among others, said application, was approved by the Secretary of the Interior on June 26, 1905.

Respectfully,

Commissioner

D.C. 83540-1906.

( COPY )

Y.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

I.T.D. 7442, 7444,  
7446, 7448,  
7450, 7452,  
7454, 7456,  
7458, 7462,  
7464, 7466,  
7906-1903.

December 4, 1906.

L.R.S.

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

Sir:

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Elasingame, Mary A. Elasingame, Martin E. Patterson, Alice Dawson, Sarah J. Dawson (formerly Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, Alonzo M. Fishback, Lizzie Jackson, and George A. Mabry, as cit-

cases by intermarriage of the Cherokee Nation, mentioned in  
letter of the Commission to the Five Civilized Tribes of Feb-  
ruary 24, 1903, submitting the record in the consolidated case  
of Francis H. Dawson et al., are rejected. See also depart-  
mental letters of March 22, 1904, and letters of April 2 and 10,  
1905.

The papers still remaining in the Department have been re-  
turned this day to the Indian Office.

Respectfully,

(Signed) Theo. S. Ryan,  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

cc Rec. to Ind. Of.

Cherokee 10743

Joseph R. Dawson et al.

For recordin this case see

---

~~Cherokee~~ D-364

Cher 10744

Wilborn Dawson

Trans. from D475

Cher 10744



Department of the Interior,  
Commissioner to the Five Civilized Tribes,  
Winita, I.T., September 29, 1900.

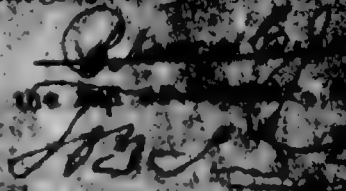
In the matter of the application of WILBORN DAWSON for enrollment as a Cherokee by blood: being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Wilborn Dawson.  
Q What is your age? A 34 years old.  
Q What is your post office address? A Arton.  
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? A I don't know, I guess about 1/16.  
Q Your name on the roll of 1880? A No, sir.  
Q By what right do you claim citizenship? A (Exhibit its paper.)  
(The applicant presents a certificate issued from the office of the Commission on Citizenship, January 11, 1883, said certificate being signed by Thomas Tsches, President of the Commission, Alex Wolff and T. F. Thompson, Commissioners, certified to by B. W. C. Duncan, Clerk of the Commission, under date of January 11, 1883, admitting among others to Cherokee citizenship one Wilborn Dawson.)  
Q Are you the identical Wilborn Dawson mentioned in this certificate?  
A Yes, sir.  
Q For whom do you apply for enrollment? A Myself only.  
Q How long have you lived in the Cherokee Nation? A Since 1888 I believe.  
Q Been living here continuously since that time? A Yes, sir.  
Q You were admitted in 1883? A Yes, sir.  
Q You didn't remove to the Territory till 1888? A No, sir, I had been here, but I never came here permanently until 1888.  
(On 1888 roll, page 463, No. 954, Wilborn Dawson, Delaware district.)

The name of Wilborn Dawson appears upon the census roll of 1888, and he also presents a certificate of admission more particularly described in the testimony, certifying that he was admitted to citizenship on the 11th day of January, 1883. He swears that he did not remove to the Territory until 1888. Another cause of complaint of the Cherokee Nation was protest against the admission of the said Wilborn Dawson on the ground that his admission was by fraud. Consequently, final judgment as to the enrollment of said Wilborn Dawson will be suspended and his name will be upon a doubtful card.

Krueger E. Jones, being duly sworn, says that as Commissioner to the Commission to the Five Civilized Tribes he examined the proceedings and testimony in the above case, and that he has true and complete transcript of his stenographic notes.

Sworn to and subscribed before me this the 29th day of September, 1900.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FORESIAZED TRIBES

FILED  
DEC 2 1911

OFFICE OF THE COMMISSIONER

1911

1911

1911

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 20 1900

"B"



ACTING CHIEF

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 29 1900

Name Wilborn Dawson

District DELAWARE.

Year 1896 Page 443 No. 954

Citizen by blood *yes* Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate ~~XXXXXXXXXX~~

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:

*Handwritten signature*

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

*in 1896 called Wilborn Dawson*

*DX 175*

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.

Minneapolis, Minn. July 26 1902

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
William M. Dawson for enrollment as  
~~Member~~ of the Cherokee Nation.

*citizen*

No. P. 10 433

W. M. Dawson  
*(Atty. for applicant.)*



# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

In the matter of the application of William Dawson  
for enrollment as a Cherokee Freedman.

No. F. D. 475

William Dawson, of lawful age, being duly sworn on  
oath states that on the 13<sup>th</sup> day of March, A. D. 1902 he registered  
to William Dawson whose postoffice is Stonewall  
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Wagon Mound, Indian Territory;  
and that on the 13<sup>th</sup> day of March, A. D. 1902 he received the return  
card which is hereto attached, signed by the said William Dawson, showing  
that he had received said notice.

Subscribed and sworn to before me on this the 13 day of March, A. D. 1902

Notary Public.

# NOTICE!

IN THE MATTER OF the application of .....  
for enrollment as Cherokee citizens.

Case No. D. 47

To M. A. *ban* *att.*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on *1890, 17, 18* or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *1890, 17, 18*.

*W. W. Hastings*

Attorneys for the Cherokee Nation.

C D. 475 -

20

8475

**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the with-  
in notice on

by delivering a true copy thereof on the  
..... day of ..... A. D. 190...

Given under my hand this  
day of ..... A. D. 190

**Marshal for the Cherokee Nation.**

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
..... day of ..... 190...

**Attorney for applicant.**

**UNITED STATES OF AMERICA, } S. S.  
INDIAN TERRITORY, }  
NORTHERN DISTRICT. }**

I do solemnly swear that I delivered a  
true copy of the within notice to

on the ..... day of ..... A. D. 190...

Subscribed and sworn to before me  
this .....

**Notary Public.**

RECORDED INDEX  
MAR 1907  
MISSISSIPPI  
MISSISSIPPI

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINNIE, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, S. B. Brockbridge, testified as follows:

- Q What is your full name? A Francis Marion Dawson.  
Q What is your age? A I am fifty eight years old.  
Q What is your father's name? A George.  
Q What district do you live in? A Vinnico.  
Q Who is it you wish to have enrolled? A Myself and family.  
Q Your wife? A Yes, sir.  
Q How many children? A Two.  
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.  
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.

Q How long have you lived in the Cherokee Nation? A Since 1883.  
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a fully authenticated certificate of admission to citizenship, showing that on the 15th day of January, 1883, certain papers were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q What is your name in it? A Yes, sir.  
The following is a copy of the certificate of admission to citizenship, showing that on the 15th day of January, 1883, certain papers were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q You have not married since your admission? A No, sir; it was not necessary.  
The applicant presents a fully authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1889, at Vinnico, I. T., Cherokee, in Indian Territory, Arkansas, the license being issued by the Clerk of that County.

These papers are as follows:  
Q Your wife was not admitted by the Cherokee Commission, was she not? A No, sir.  
Q Or at any other time? A No, sir.  
Q Has not your wife been admitted by the Cherokee Commission? A No, sir; she was never on the rolls.  
Q On the 15th day of January, 1883, was she not? A Yes, sir.  
Q Give me the name of the witness, please? A Laid.  
Q How many witnesses? A Two.  
Q What are their names?  
Q How old?  
Q How old?  
Q How old?

- Q Next child? A Laura.
- Q How old is that child? A Six or seven years old.
- Q Is that all? A Yes, sir, six of them. I have others, but they are not at home.
- Q Are they married? A No, sir.
- Q Are they over age? A Yes, sir.

- (1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware, )
- (1896 Roll, Page 569, #135, Katie Dawson, Delaware District, )
- (1896 Roll, Page 461, #903, Lula Dawson, " " )
- (1896 Roll, Page 161, #904, Ray Dawson, " " )
- (1896 Roll, Page 461, #905, James James Dawson, Delaware Dis't. )
- (1896 Roll, Page 461, #906, Jacob Levy Dawson, " " )
- (1896 Roll, Page 461, #907, Hugh A. Donsmore Dawson, " " )
- (1896 Roll, Page 461, #908, Laura Albertic Dawson, " " )

- Q Is this Lula or Lily? A Lily.
- The applicant applies for the enrollment of himself, wife and six children:
- Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, either in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission; she has never been remarried according to Cherokee law. She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

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 18th day of September, 1900.

(Signed) C. R. Brookinridge,  
Commissioner.



BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :  
of F. M. Dawson and others as :  
Cherokee citizens. :  
----- :  
:

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q State your name, age, residence and occupation?  
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.  
Q How long have resided in the Cherokee Nation? A All my life.  
Q Are you a citizen of the Cherokee Nation as now constituted?  
A Yes, sir.  
Q Upon what is that citizenship based, blood or otherwise?  
A Blood.  
Q What, if any official position have you held in the Cherokee Nation, and at what time?  
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.  
Q Do you remember when that was? A Some tin in 1880 or 1881, I think, it my have been earlier.  
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.  
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?  
A There were three, Tehee, Wolf and myself, Tehee was President of the Court.  
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.  
Q Did you have a clock? A Yes, sir.  
Q Do you remember who that was? A D. W. C. Duncan.  
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.  
Q Can you recollect now what period of time that Commission lasted?  
A About two years I think, two, sessions, and there was one session each year.  
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?  
A Yes, sir.  
Q Were the cases coming before that body heard by the Commission?  
A Yes, sir.  
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?  
A In case of decisions I think they sometimes had secret sessions, yes. The judgments of the Commission were pronounced openly.

Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.

Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by H. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?

A I recognize the signature to it, but don't remember the instrument.

Q Which signature on that paper do you recognize? A My own.

Q That signature is in your own handwriting? A Yes, sir.

Q Do you know whether Thomas Tehee, President of the Commission could write in English or not? A No, I don't think he could.

Q How as to Alexander Wolfe, a member of the Commission?

A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.

Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?

A Tolerably well, but it has been a long time since I saw any of it.

Q Will you look at the paper again and say whether you recognize his signature attached thereto?

A Yes, that is his signature to the best of my knowledge.

Q Do you preserve any personal recollection of the application before that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by that Commission?

A I remember F. M. Dawson and his partner, that is about the only ones I remember.

Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?

A Yes, there was such a claim before the Commission.

Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?

A Yes, sir, he was always recognized as such, full blood besides.

Q What is your knowledge of Alexander Wolfe?

A About the same, he was also a full blood and recognized as a Cherokee.

Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or impropriety of the court or Commission, or any member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?

A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

#### CROSS-EXAMINATION BY U. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shows you is in your handwriting?

A Yes, sir.

Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the fact?

A No, I don't know, that is the fact, but I don't know if it is the original, I did not sign it, if it is the original I signed it.

Q You state that the witnesses were sworn orally before the Court, don't you know that is against the law as you took ex parte

affidavits of witnesses when those witnesses were not present?

A I think we ruled experts evidence out, as well as I remember.

Q Did you have any stenographer or anybody to copy the evidence? Mr. Duncan did all of the copying.

Q Was the evidence copied and preserved?

A Yes, sir, I think it was.

Q What was done with that evidence, where was any of it ever put?

A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.

Q When you went into secret session did you have Mr. Duncan read that evidence to you?

A Yes, sir, we went over the evidence thoroughly.

Q Did you allow the applicants or their attorneys admission to any of your secret sessions?

No, sir.

Q When you got ready to render your decisions did you then send for the applicants or their attorneys?

A No, sir.

Q And you rendered them in secret also, did you? A Yes, sir.

Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.

Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.

Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.

Q How could your court determine when they claimed descent through some former family, that that family was of Cherokee blood?

The court would determine by the evidence produced in answer to the previous question.

A By the evidence they produced.

Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.

Q Who was the attorney for the Dawson? A Old man Houston Bengo.

Q Could either Teehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.

Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.

Q How long were you considering the case altogether?

A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively how, they were a long time getting in testimony.

Q There were only two or three witnesses examined all told, were there not?

A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.

Q Well the court was a good while arriving at its conclusion after the evidence as closed?

A Yes, quite a good while, I don't remember the exact time.

#### RE-DIRECT EXAMINATION:

Q Do you remember the the interpreter the Commission had during the hearing of the Dawson case.

A His name was Stone, I don't remember his given name.

Q Do you know whether he is living or dead?

A I don't know, he seemed to be in bad health at the time we had the case on, I think they are all dead but me and Mr. Duncan.

Q What was he, a Cherokee by blood?

A He was considered a Cherokee by blood.

Q Do you know where he lived at that time?

A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,  
Indian Territory,  
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, hereby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1895, at 10 o'clock A. M. and duly recorded in book C. Mich Record No. 10, 2 Slows, page 233.

Witness my hand and seal of said court at Muskogee, in said Territory this 19 day of March, A. D. 1895.

(SEAL)

M. L. Bragdon,

Clerk.

The instrument to which this is attached, endorsed on back as follows:

No. 102, Davson et al, vs the Cherokee Nation, Transcript of Judgment, Filed Mar. 9, 1895 10-30 A. M. Marshall L. Bragdon, Clerk.

OFFICE OF COMMISSIONER OF CITIZENSHIP,  
PARKERSBURG, OHIO, JANUARY 12th, 1895.

No. 102 Robert J. A. Davson, Albert Davson, Jasper Davson, John Davson, William Davson, James Davson, John Davson, Molly Davson, Elizabeth Davson, James Davson, Elia Davson,

And now on this, the 12th day of January, A. D. 1895, this case coming on the first hearing and all the evidence produced in the case being read and all the questions by the Commission, it was determined and concluded by the Commission on Citizenship, that the persons named T. F. Thompson, J. M. Davson, Albert Davson, Jasper Davson, John Davson, William Davson, James Davson, John Davson, Elizabeth Davson, James Davson, Elia Davson, and Elia Davson, are entitled to all the rights and privileges of citizenship in the United States.



admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan,	)	Thomas Tehee, President of Com.	
Clerk of Commission,	)	Alex Wolf,	} Commissioners.
		T. F. Thompson,	

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883. D. W. C. Duncan, Clerk of Commission.

Executive Department,  
Tahlequah, Cherokee Nation.

January 11th, 1883.

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the  
Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,  
Asst. Ex. Secretary.

United States of America,  
Indian Territory,  
Northern District.

I, Louis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. S. N. - R. F. Oct. 4, 1900." The foregoing have having been carefully compared by me with the said original.

Given under my hand and the seal of my office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Louis T. Martin.

Notary Public.

My commission expires Feb 2nd, 1903.



D. V. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

**DIRECT EXAMINATION BY G. B. DENISON:**

Q Please state your name, age, residence and occupation?

A My name is D. V. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.

Q How long has that been your place of residence? A Since 1874.

Q Are you a member of the Cherokee Nation as it is now constituted?

A Yes, sir.

Q Upon what is your citizenship based, a Cherokee by blood?

A Yes, a Cherokee by blood.

Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?

A About that time I held the position of Clerk of the Citizenship Court or Commission.

Q If you remember the names of the members of that Commission or Court, please give them?

A The President of the Commission was Tchen I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.

Q T. F. Thompson?

A Yes.

Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?

A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.

Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's deposition, and state whether with the exception of the certificate of H. L. Bragdon, Clerk, and of John L. Asair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?

A Yes, I think I have seen this before.

Q When, and where, if you remember, did you first see that paper?

A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.

Q Looking at its date, was it drawn up by you at the time it bears date?

A To the best of my recollection it was drawn at the date specified.

Q Do you recognize the signature in the certificate attached to that paper?

A Yes, that is my signature.

Q State if you know, in whose handwriting the body of the paper is?

A It is in my own handwriting.

Q And at that time you were clerk of the said court? A Yes.

Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and write if you can, by what they were written?

A I think the first two are in my handwriting, the last I recognize that as T. F. Thompson's.

Q Explain please, how you came to write the signatures of Thomas Tchen and Alex Wolfe to that paper?

A Thomas Tchen and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?

A In all instances where it was necessary for the Court to sign a paper of any kind it was admitted by that court for the Clerk to sign Tanne's and Wolf's names and F. M. Dawson to sign his own name.

Q You didn't catch exactly my issue, but perhaps that answered it, what I intended to call your attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the excellent business has been inaugurated.

#### CROSS-EXAMINATION OF F. M. DAWSON

Q If as you certify, this paper was a transcript of the proceedings why did you have the judges sign it?

A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signatures of the Court.

Q Examine that signature of Mr. Tanne's, examine the first F in his name and the T in Tanne's name and say if it is not all your own handwriting?

A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is not my handwriting.

Q How was the evidence taken in those cases?

A It was taken by the witness being sworn and detailing his knowledge of the case, I wrote it down as dictated by sentence as it was delivered.

Q Do you know whether that evidence is in existence or not?

A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.

Q You say you never heard any talk about this being an improper case until very recently?

A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recall his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the nation mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the deponents being present in person and by their attorney G. B. Dennis, and the Cherokee Nation being represented by W. T. Hutchings as its attorney.

Given under my hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public

My commission expires

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., April 8, 1908.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation. He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.
- Q How old are you? A Soon will be sixth years old.
- Q What is your residence address? A Arton now, it used to be Ocedna.
- Q What was the name of your wife? A My first wife was Julia Ann Howard.
- Q Was she a white woman? A Yes, sir.
- Q When were you married to her? A I think it was the 5th of January, 1884.
- Q Where were you living at that time? A In Arkansas.
- Q Who married you? A A man by the name of Dave Sturdy.
- Q Was he a preacher? A Yes, sir.
- Q A minister of the Gospel? A Yes, sir.
- Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
- Q Did you have any children by her? A Yes, sir.
- Q What are their names? A Willie E. Dawson.
- Q The next one? A Francis Marion Dawson Jr.
- Q The next one? A Johnnie.
- Q The next child? A Elizabeth.
- Q The next one? A Arizona Alfred.
- Q Those are all the children you had by your first wife? A Yes, sir.

Francis M. Dawson, being sworn and examined by the Commission, testified as follows:

- Q How old are you? A I will be 17th day of June.
- Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
- Q How are you related to him? A Brother.
- Q Did you know his former wife, Julia? A Yes, sir.
- Q Is she living or dead? A She is dead.
- Q Was she a Cherokee or white woman? A I couldn't say what she they married in the States.
- Q Do you know when he was married to her? A Yes, sir.
- Q What was her name? A Julia Ann Howard.
- Q Was she a white woman? A Yes, sir.
- Q How long were you married to her? A I don't know.
- Q How long ago did she die? A I don't know.
- Q How long ago did you marry her? A I don't know.
- Q How long ago did you marry her? A I don't know.

Francis E. Sturdy, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John E. Sturdy.
- Q How old are you? A 33 years old.
- Q What is your present residence address? A Arton.
- Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Ed Dawson.
- Q How long have you known him? A My first acquaintance with him was when his first wife, Julia, died.



Q Do you know whether or not they were married? A Yes, sir, they were married.

Q Were you present at the marriage? A No, I wasn't present at the marriage.

Q Did you see them soon after their marriage? A Yes, sir.

Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.

Q During the time you knew them did they live together as husband and wife? A Yes, sir.

Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:

Arizona Alfred et al D-835, John Dawson, D-580, William R. Dawson D-581, Lissie Dawson D-584 and Francis H. Dawson Jr. D-582.

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

(Signed) E. G. Rothenberger.



Supl.-G. D. #324.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the  
following proceedings were had:

APPEARANCES:

Mr. A. S. McKennon, of counsel for applicants;  
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case  
and announces that it is ready for trial, provided permission is  
given to hereafter examine before the Commission, either at this  
place or Fort Gibson, the witness S. H. Benge, who has been regularly  
summoned to attend at this day and time but who is too sick to  
travel at this time and probably will be for some time to come. As  
evidence of a good faith of the Nation we hereby present an affidavit  
of the facts sought to be proven by the said Benge. If the applicant's  
counsel are willing to concede that the witness if present would  
testify to the facts herein set forth, the Nation is ready to  
proceed to trial without reservation of any kind. If they are not  
it desires to reserve this privilege of hereafter, either tomorrow  
or otherwise, this case being set for to-day and tomorrow, of  
examining before the Commission, or its authorized officer, this  
witness as above set forth.

Mr. McKennon: Applicants object to the introduction of this  
paper presented and do not admit that the witness, Samuel H. Benge,  
if present would testify to the facts therein stated. They consent  
and desire that the testimony of said Benge be taken before the  
Commission at its office in Muskogee but not elsewhere, and protest  
against it being taken at any other place, with the understanding,  
however, that when taken we have opportunity to introduce any evidence  
we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing counsel,  
their agent and Commission officers in taking the deposition at  
Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are  
material in their character and are quite tenuous. The Commission  
of its own volition would acquire information of that character if  
it knew of its existence anywhere. While the functions of the  
Commission, as well known are in many respects judicial, yet it is  
bodied with somewhat complex powers, such as Congress creates from  
time to time to do business of certain character, and it is ordered  
to make a correct roll, which is a duty largely independent of  
hearing simply what is brought before them; it must be the architect  
and constructor of that roll and if evidence is not brought before  
before the Commission it must go out and get it, to be uniform on  
that construction of the law. The Commission, therefore, desires  
this information independent of any counsel on either side both with  
respect to the applicant and to the Nation, and if this witness



- Q Have you a fair recollection of the testimony of those two men?  
A No, not at all.
- Q You don't read do you, Mr. Dawson? A No, sir, I don't read nor write; I can barely write my name.
- Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
- Q Were you present when you were admitted? A I was not in the room.
- Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
- Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:  
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
- Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
- Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
- Q Now, you were a son of what Dawson? A Robert Dawson.
- Q How many children did Robert Dawson have, and give me their names?  
A Elbert Dawson, the oldest; Lila, Jessy, Francis Marion-
- Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
- Q Thirteen? (No response.)
- Q Now, Robert Dawson's father was whom? A Sam Dawson.
- Q Who was Sam Dawson's wife, your grandmother? A I have been told.
- Q By family history is all you know? A She was called Polly Dawson.
- Q Who was Anna Pruitt? A I don't know.
- Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
- Q Your grandmother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
- Q Pollie Dawson? A Yes, sir.
- Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
- Q Daughter of Captain John Rogers? A Yes, sir.
- Q Now, she died in Texas what time? A I don't remember.
- Q Can't you guess at it? A Oh, I could guess.
- Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
- Q How old a boy were you then? A I was born in '43.
- Q Have you any distinct recollection of her? A No, sir.
- Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and aunts? I didn't see all of them.
- Q Do you know by family history the names of all of them? A Yes, sir.
- Q Will you give them to me?  
A Betsey Ann Dawson, I believe her name was.
- Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
- Q Your father? A Yes, sir.
- Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Lila Dawson.
- Q Did he have two daughters? A Yes, sir.
- Q Well sir? A The next one was Joe Dawson; I never saw him; Riley Dawson.

- Q That is Samuel E. Dawson, Riley Dawson? A Yes, sir.  
Q Any other ones? A That is all I know anything about.  
Q Did he have any child by the name of John? A Yes, Jack.  
Q Didn't you get Jack replaced with Spot? A No, it was just I have heard my father speak of him.  
Q Then they have more children? A I never see them all.  
Q How many of them did you ever see? A I see uncle Riley Dawson and James Dawson and Jack Dawson and Betsey Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.  
Q Do you know what your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.  
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.  
Q What is that other man, Oliver Hiller that testified in your case? A He testified in James Dawson's case; he never testified in my father's case.  
Q Well, didn't anybody testify in your case but Dr. Baker?  
A Yes, sir, several other witnesses.  
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.  
Q Were you present? A No, sir.  
Q You were only present when Dr. Baker testified? A Yes, sir.  
Q Now, do you find any mistakes in Dr. Baker's statement there?  
A I could not say all of them was correct or not, part of it is correct.  
Q What part is correct? A Why about knowing the family over there.  
Q Who is Buck Dawson? A My brother.  
Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.  
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.  
Q The first time I lived my brother in Texas.  
Q Which one? A E. Dawson.  
Q That is Elbert or Buck? A Yes, sir.  
Q You were living in Arkansas? A Yes, sir.  
Q A C he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.  
Q Dr. Dawson now? A Yes, sir.  
Q What is his name? A James.  
Q And you three went there? A Yes, sir.

Mr. McKeon: Applicants by their counsel object to the statement of the witness relating to the testimony introduced before the Board of Citizenship Inquiry and the history of the family as detailed by the witness as being incompetent and irrelevant, and request the Court to find of incompetency the last part of the statement of said witness or either of the Board's findings in admitting evidence of the Dawson family.

Objection: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. W. TAYLOR, being duly sworn, testified as follows as part of the Cherokee Nation:  
MR. TAYLOR:



Q What is your name? A C. H. Taylor.  
Q Where do you reside, Mr. Taylor? A Near Coffeyville.  
Q Were you an attorney before various citizen courts along in  
the Cherokee Nation at Tahlequah? A Yes, sir.  
Q Were you attorney for F. W. Danson commonly known as Bid Danson?  
A Yes, sir.  
Q Were you present at the taking of testimony in that case? A No,  
sir; I wasn't present.  
Q Do you know who composed the court that decided the case at that  
time? A Yes, sir.  
Q Who were they? A Tom Tehee and Alex Wolfe and Tolly Thompson.  
Q Do you know whether or not they were all there when the case  
was decided? A No, sir, there were only two of them present.  
Q Which two? A Tehee and Wolfe.  
Q Who was the clerk of the court at that time? A Mr. Duncan,  
D. W. C. Duncan.  
Q Do you know what witnesses were used in the case of Bid Danson?  
A No, sir; now I was the attorney in the case and the evidence had  
already been filed before the court.  
Q When did you read attorney? A I was only called in as an  
attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant  
had the case and several other attorneys had the case and he employed  
me.  
Q Did you read the evidence in this case? A No, sir.  
Q Did you deliver any money? A Now, I was the attorney in the case  
and I don't think it would be right for me to make any statement.  
Q Now, you have claimed your privilege, I ask that you answer the  
question? Did Danson ever send you any money with the direction to  
pay it to either member of the court or the clerk of the court,  
D. W. C. Duncan, and if so state the amount? A I had a heap of  
trouble over this matter.  
Commissioner: Just answer the question, Mr. Taylor.  
A Being the attorney I don't believe it is right for me to  
answer that question.  
Commissioner: Do you refuse to answer? A Yes, sir.  
Q Did the matter to which you object to testifying occur prior to  
the rendition of the decision admitting to citizenship or afterwards?  
(No response)  
COMMISSIONER BRECKINRIDGE:  
Q Do you desire to reply to the last question? A I don't think  
it is right; I was attorney in the case.  
Q Mr. Taylor, do you object to answering that question? A Yes, sir.  
Q You refuse to answer that question, do you? A I had rather not  
answer it.

Q Either answer it or say you won't answer it? A I had rather  
not answer it.

Q Mr. Taylor, you have answered a number of questions down to this  
point, but it is at this point that you prefer to plead your  
privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters  
is lodged in the United States. The Court is clothed with  
special power with reference to matters which arise through this  
Commission. Of course the Commission desires and the Government

needs for the making of a correct roll the fullest information  
possible, but it is subject to the limitations of law, and it  
is not for this Commission to decide the law in a matter of  
this character with any authority as I understand it at this  
time, but to report the matter to the United States Court  
and let the Court pass judgment.



Under Section 21 of the Curtis law as it is commonly called Act of June 23 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain offenses does not go so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are in your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of the answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.

Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.

Q Now, I require that you answer that question, do you refuse?  
A Yes, sir.

Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at due time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever; they only want to object to the incompetency and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:

Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 13, 1902.)



Q Now, Wilson Sanders: was it Wilson Sanders?

A Yes, sir. He was the one who was talking about the matter having cost him a right start. He asked me if I thought the case was essentially and I told him I didn't know.

Q Now, after the case on came, Judge, in any of your conversations with him since that time? A I never called it a witness; that young man came to me and asked me to help him up there that the day after the trial, and he and his father and all was about the case, and he asked me if I could there be to a witness but he is not at I don't for him.

Q Now, after that, wasn't it? A Yes, sir. I never had any relations with Mr. Graham since that time about the case, I don't recollect, I might have had conversations.

Q Now, after the census Commission began taking a census of the people of the State, did you have any conversation with him here in Fort Gibson about the matter?

A Yes, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.

Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all I know is that is all I have stated he talked to me in regard to the case, himself and probably his brothers and sisters, I don't know what words there were, but he told me they were rejected, that was the words he used.

Q Now, after that has been sorely go.

Q Now, after that, did you see him here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.

Q Now, did you here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?

A No, sir; he was basing his claim on the Dawson case, that is the case.

Q Now, as to the principal Dawson family? A Yes.

Q Now, was there any other written statement here made, when was this made? (referring to affidavit heretofore referred to.)

A I don't know.

Q Now, who took this? A Mr. Starr.

Q Who else was present when this was taken? A No, sir.

Q Now, did you tell about this matter, Judge? A No one as I know of.

Q Now, when was it that they know that you know this?

A No.

Q Now, did you make any statement? A Never made any statement that I recollect of; I might have talked with Scales, he and him

talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.

Q Now, did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said "what" and he went to work and named Shoemaker case and Dawson case. And thereupon you made this statement? A He said he wanted to see me.

Q And you certain Judge that after the rendition of that judgment Dawson came back here to Fort Gibson with you?  
A Yes, sir; we was together.

Q Did he ask you if it was not a very cold day when he came here?  
A He went over ahead of you and you went over to Tahlequah the day or two after he left? A My recollection was he and I together.

Q Did he returned here together? A Yes, sir.

Q Did he not leave you there and go back direct to Arkansas?  
A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webers Falls up here to my house, that is according to his statement.

Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.

Q How did they pay you? A Paid me the money.

Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.

Q Mr. Graham? A Yes.

Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.

Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.

Q Where did he pay you the money? A Paid it here at home.

Q Before you went out? A He paid me fifty dollars before we went up and when we went up yander he paid me fifty dollars more; if you want to know what I got, I got one hundred dollars.

Q You were acting as his attorney in the case? A Yes, sir.

Q How many judges were there present when the judgment was rendered?  
A In his case?

Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tom and Wolfe.

Q Don't you remember that they were all present? A No, I think they were present though.

Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.

Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.

Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.

Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.

Q How long did you remain out at Tahlequah on that trip?

A I guess I was there about three days.

... A No,  
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... takes the stand and continues his testimony.  
BY THE COURT:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with H. W. C. Lancon, the Clerk of what is known as the 10th Circuit Citizenship Commission Court? A Yes, sir.

Q Did you have any conversation with him about letting him know of the different character of cases that would come up before the Court that he knew of, whether they were good ones or bad ones? A No, sir, I don't think that ever came up in that respect; he asked me if whatever cases that would come up before the Court to let him know.

Q Did you have any conversation with him about the Dawson case during the progress of the trial or before and ever introduced Mr. F. H. Dawson to him? A I spoke to him when Mr. Dawson came to the Court and he said that he would take the case down to his room, that is all.

Q Did you see him again that night? A Yes, sir, after supper I went down to his room.

Q Did he ask you about the Dawson or Lawson case? A He asked me where he could find it.

Q Which Dawson are you referring to now, F. H. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Lawson down and I did so; Dawson was in church.

Q You carried Dawson to him? A Yes, sir.





- Q How long have you been practicing law in the Cherokee Nation? A Come here in 1874.
- Q How long have you been practicing law in the Cherokee Nation? A I think since 1874.
- Q You have done a great deal of citizenship business haven't you? A Yes, sir.
- Q You were in the United States Court at Fort Smith on charges in regard to citizenship business? A Yes, sir.
- Q Were you convicted there? A Yes, sir; I was convicted there on a very easy case.
- Q And sentenced to jail of what length? A I was sent to the jail hospital for 120 days and I stayed in about 30 or 39 days, and I was released.
- Q When was that? A I don't remember how long ago it has been.
- Q You say it was in regard to this case? A Yes, sir; this case was the cause of that action; Jim Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
- Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the rail for fraudulent purposes.
- Q Sending out propositions and obtaining case for citizenship for people in the Cherokee Nation? A No, sir, it was for answering correspondence.
- Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
- Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the rail for fraudulent purposes.
- Q The use of the rails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
- Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
- Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
- Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
- Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
- Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
- Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
- Q He had no power to compel you to make a statement? A No, sir.
- Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
- Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.



A: Did you not yesterday morning on the street in Muskogee, Indian Territory, in a conversation with U. S. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? Q: No, sir; I says to Mr. Shoemaker, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came a fair and squarely and decided in your favor."

Q: You said nothing to him about the Dawson case? A: Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I went if I can possible avoid it."

Q: Was that before or after you talked with Mr. Hastings, the representative of the Nation? A: It was afterwards.

Q: You heard what if you had refused to answer you could have gone to jail? A: No, sir; if they had employed me before and I had not now.

Q: You mean that if they had employed you before had you would not have given this information to Mr. Hastings? A: I would not be required, being the attorney.

Q: Were you required to give him the information; did you think that you had to give him any information? A: Who do you mean.

Q: Mr. Hastings. A: I did refuse him and he insisted.

Q: Well, he no authority to compel you to do it? A: No, sir; I don't know whether he did or not.

Q: As a lawyer you think that he did not have authority to compel you to make a statement to him? A: I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q: Why did you do it? A: Well, he intimated to me it would go any further. He said to me "I will not make this matter -- I will not use it;" that is, what I stated to him was part in confidence.

Q: And he pledged you his word that it would not be used? A: Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q: Well, that did he reply, as you said just now? A: Oh, he says "I do the statement and then I told him--I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q: You stated just now that he said it would not be used; did he say that or not? A: Well, something to that amount; oh, he says it won't make any difference or so with me to that effect.

Q: Now, don't you know that Mr. Hastings did not intimate to you that if the statement he was asking you to make would not be used?

A: Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q: Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A: No, sir.

Q: Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A: No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

- Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
- Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
- Q You were present in Tahlequah? A Yes, sir.
- Q How long had you been at Tahlequah? A I was living there at that time.
- Q When were you first employed by them? A By Dawsons?
- Q Yes, sir. A The evening before the case was tried.
- Q You say that after the judgment was rendered Dawson handed you \$200? A Yes, sir.
- Q And told you to hand to Duncan? A No, sir.
- Q What was your statement? A That he paid me \$20 and says "I will send you some more in a short time, week or so.
- Q And then he sent you \$100? A Yes, sir.
- Q And wrote you to give D. W. C. Duncan \$50 of it? A Yes, sir.
- Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.
- Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.
- Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being \$50 or \$100--I went to Stapler's and got him to cash the check and give him his part of it.
- Q How much did they pay you for your services? A That is all I got.
- Q How much? A I think it was \$100, \$120.
- Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
- Q Submitted it without remarks? A Yes, sir.
- Q And for that you say they paid you \$120? A Yes, sir; \$120.
- Q Was Houston Benjo present when that was one? A No, sir; I don't think he was.
- Q Did you see him then at that time in Tahlequah? A I don't remember.
- Q Were you associated with him in any manner in connection with the case? A No, sir.
- Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
- Q Were you paid like fees in other cases for like services? A Yes, sir.
- Q In many of them? A Yes, sir, good many.
- Q All like cases? A Oh, citizenship cases.
- Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Bellette can remember, he was there, he was my attorney.
- Q Was it about 1883? A It was somewhere along there, along in 1880 somewhere.
- Q That has been your principal business as a lawyer, has it not? A Yes, sir.
- Q You have never practiced such in any other way have you? A Very little.
- Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.



Q Was there an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$50 a family for doing that? A Yes, sir.  
Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HASTINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case? A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Afton.

Q How old are you? A 73 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of F. H. Dawson and the other Dawsons? A I know old man James Dawson.

Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.

Q How long have you known him? A Well, some four or five years.

I guess.

Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 or 75 years.

Q Well, when did he come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.

Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

FR. MCKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q How was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

LR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 56.

Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Buck Dawson? A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, ran's by the name of Sharbow.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you two time to time about citizenship in the Cherokee Nation?

A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 35 or 30 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.

Q Well, what did he say about the doctor's knowing anything?

A Well, he said he was 35 or 30 years old and didn't know straight way.

Q Well, did he say anything about giving him whisky?

A Well, he said he could give him four drinks of Arlansens whickey and he would swear that black was white.

Q How long did you stay in about that money would go in Texas or Indian Territory? A Well, is talking about the evidence, he said. I don't know what money would go down in Texas or he said "I come to get the land of the land" and he says "I found out it got here," or words to that effect.

Q Did he say what he had to spend on the question? A Well, he said he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.

Q Did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.

Q Well, where did he go to, there? A He and I left there together; he rode to Muskogee by way of Fort Gibson and there we parted.

Q Did you ever see him after that? A I saw him about two years or something like that afterwards.

Q Where? A Vinita.

Q Did you refer to the citizenship matter? A I asked him how he came out and he said all right.

Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

J. R. McKEEHOE:

Q Your first conversation with him was in '01 was it? A Yes, sir.

Q What time in '01? A September.

Q You went on an applicant for citizenship? A Yes, sir.

Q Were you admitted? A No, sir.

Q You are still an applicant? A No, sir.

Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.

Q What business are you in now? A I am running a dairy in Vinita. Q What did you make representations now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.

Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.

Q You don't know how they found that out? A No, sir.

Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.

Q How, did you approach him or did he approach you? A He approached me.

Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have seen Mr. Hastings for years.

Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know what it was; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.

Q Now, he said that didn't he? A Yes, sir.

Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.

Q You say you next saw Dawson at Vinita? A Yes, sir.

Q How long afterwards was that? A About two years, I think something near that.

Q Did he have to live in the Territory? A Yes, sir he lived at Vinita at one time.

- Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
- Q Do you run a dairy wagon there? A No, sir.
- Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
- Q Generally? No, sir.
- Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Beroke Motion:  
MR. HITCHINGS:

- Q What is your name? A C. G. Braught.
- Q What is your age? A 62 29th day of last January.
- Q What is your post office? A Fairland.
- Q How long have you been living in the neighborhood of Fairland?  
A I have been living there 19 years.
- Q Do you know one Bud Dawson or F. L. Dawson as his name is?  
A I do.
- Q How long have you known him? A About 13 years.
- Q How close do you live from him? A Half a mile or him.
- Q Does he still own that place? A I think he does.
- Q Were you an applicant for citizenship along about '81 or '2 at Fairland? A Yes, sir.
- Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
- Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the first that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.
- Q Did he state the name of that witness? A No, he did not.
- Q What did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
- Q Do you know what time of the year that was, whether it was in the fall or not? A I think it was in June.
- Q Did he make any other statements to you at any other time?  
A No, sir, I don't think he has in regards to that matter.
- Q You have been living neighbors with him? A Yes, sir.
- MR. MCKENNON:
- Q You say this was about June of '83? A I think it was in June.
- Q Now, I won't be positive whether it was June or not.
- Q You were an applicant; were you admitted? A No, sir.
- Q Have you been admitted? A No, sir.
- Q You are still an applicant? A Yes, sir.
- Q Still trying to get in? A Yes, sir.
- Q Where was this conversation had? A Had at Bud Dawson's house.
- Q What part of the premises? that is, in his residence?  
A Yes, sir.
- Q In the house? A Yes, sir.
- Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
- Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
- Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.  
Q He and you are enemies are you not? A No, I don't think we are enemies.  
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.  
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.  
Q Didn't you have his little boy arrested recently for a difficulty?  
A Yes, sir.  
Q And you say that you are not on bad terms with him?  
A Why we speak, have conversation, have right right along all the time.  
Q Is it not a fact now that you and he have been all the while at odds? A No, sir.  
Q You don't have any unkind feeling towards him? A No, sir.  
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.

Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of Counsel for Applicants.  
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. MCKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.  
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.  
Q What is your post office? A Dawson now.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.  
Q Recognized as such are you? A Yes, sir.  
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewhere between 44 and 45 years old.  
Q Were you personally acquainted with one Elbert or Buck Dawson?  
A I knew Buck Dawson when I saw him.  
Q Did you know him in the state of Texas, if so state what time?  
A I knew Buck Dawson, knew him and saw him at different dates in Texas.  
Q Well, in the year '81 in Clay County, Texas, did you ever see him?  
A It was in '81 or '82, I think I knew him in both years.  
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flippin and Joe Pleaton about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippin were talking in regard to grass down there before we one time and



It was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be purchasing cattle, I would have stock eating my grass."

Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.

Q Who was that? A Buck Dawson.

Q Well, did anybody suggest about his going to the Cherokee Nation? A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."

Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flipin says "Hell, I am going; brother John is getting ready to go now."

Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him: "Hookey Bell was counted the brainiest man in our country."

Q Well, do you know whether he claimed to have any Indian blood or whether he was claiming in that country, whether white man or Indian? A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKemon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKemon:

Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Russ County, Texas. B. W. Alberty was my guardian.

Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.

Q About what time? A It was sometime in '80 though.

Q That tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.

Q When? A I think it was in '87 or '88.

Q Haven't you been arrested for crime and charged with crime?

A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.

Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.

MR. HASTINGS, of Council for Cherokee Nation:

Q Were you ever convicted? A No, sir.

Mr. McKemon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:

LP. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.

Q What is your post office? A Melvin.

Q What is your age? A 49.

Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him two or three times.  
Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.  
Q Did you know Aaron Butler? A Yes, sir.  
Q Who was he? A He was a Cherokee Interpreter for the Court.  
Q Do you know James Smith? A Yes, sir.  
Q Who was he? A He was the Nation's attorney before the Court.  
Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.  
Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.  
Q Well, did he say anything about whether he could get his case submitted if he had more money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.  
Q Well, did you let him have the ten dollars? A Yes, sir.  
Q Where did they go then? A They walked off up towards town.  
Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?  
A Yes, best of my recollection that was.  
Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.  
Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.  
Q Is he living or dead? A I don't know.  
Q Where have you been living? A I have been living down here near Tahlequah.  
Q What was the man's name, Dawson's name? A Jim Dawson I think.  
Q You are certain of that? A Yes, sir; I am pretty certain.  
Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.  
Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.  
Q When did you first make a statement of this matter to anybody?  
A I guess—I don't remember when.  
Q How long have you been in Muskogee this time?  
A I have been here since, I was summoned here last Friday.  
Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.  
Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.  
Q Were you born a citizen? A Yes, sir.  
Q You weren't admitted to citizenship by the Courts or Council?  
A No, sir.  
Q You have been living on the Cherokee Nation all your life?  
A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that ran Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HUTCHINGS:

Q State your full name? A My husband's name was C. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was Delia altogether in my young days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what? A None but the Cherokees, the full-bloods called him Joe Aney.

Q What does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know;

he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.

Q The Dawson case was talked of here for many years, they claiming kin?

A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relation are you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.

Q Who was your father? A Samuel Riley Dawson.

Q What did you say your father's name was? A Mile Dawson.

Q Do you know what his full name was? A Samuel Riley Dawson.

Q What children had your father? A Why, he had a lot, you mean his first children or his whole family?

Q I ask all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.

Q Just one or two of them I care for: is Mrs. Lewis your sister?

A Yes, sir.

Q Your full sister? A Yes, sir.

Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.

Q Now who were the parents of your father, Samuel Dawson?

A My Sam Dawson was his father.

Q Sam Dawson was his father? A Yes, sir.

Q That was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.

Q What was her given name? A Annie.

Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.

Q Saw him? A Yes, sir.

Q Do you know about how old he was when he died? A He was somewhere up about 90.

Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.

Q Was your father his youngest child? A Yes, sir.

Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.

Q He died in about '90 and was about 67 years old when he died?

A Yes, sir.

Q And he was the youngest child? A Yes, sir.

Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.

Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?

A Well, I heard my father speak about it, I don't know that I ever heard my grandfather say anything about it.

Q Well, what did he say about it? A I have heard him say his mother was not an Indian.

Q Did you father come here and apply once for citizenship?

A Yes, sir.

Q Was he admitted? A I think not.

Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.

Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKernon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. C. Robson, 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 his stenographic notes thereof.

(Signed) J. C. Robson.

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(Continued from testimony taken by Steno. J. C. Robson.)

March 19th, 1901, at Muskogee, I. T.

Appearances:

Mr. A. S. McKenson and Mr. Belletts, attorneys for the applicants.

Mr. W. T. Hutchins, and Mr. W. M. Hastings, attorneys for the Cherokee Nation.

Mrs. A. BRASHIERS, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINS:

- Q State your name? A Ella Brashiers.
- Q What was your maiden name? A Ella Dawson.
- Q What was your father's name? A Samuel Riley Dawson.
- Q What was his father's name? A Samuel.
- Q What was your grandfather's name? So far as you know from family history? A Her maiden name was Annie Pruett.
- Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
- Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
- Q And had a sister named Mrs. Pettit? A Yes, sir.
- Q And another one named Mrs. McGee? A Yes, sir.
- Q And another brother named John? A Yes, sir.
- Q What relation are you to Mrs. A. S. Lewis? A Sister.
- Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
- Q You have a distinct recollection of him? A I, yes, I can remember him, but I am small.
- Q About how old were you you suppose when your grandfather died?
- A About 6.
- Q Was your father's birth recorded in the family Bible? A Yes, sir.
- Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
- Q What became of it? A Got burned.
- Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
- Q In 1823? A Yes, sir.
- Q And how old was he when he died, if you recollect? A He was between 64 and '7.
- Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians?
- A Yes, sir, they were white people.



Q And how many other in the family you can both remember spoken of by  
my wife, Annie, always? A Yes, sir.

MR. McKEE: Applicants object to the testimony of this  
witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, born \_\_\_\_\_, his work and name examined,  
testifies as follows:

BY MR. BUTCHINGS:

Q State your name? A Alex S. Lewis.

Q What is your post-office? A Dawson, Indian Territory.

Q How old are you? A 59 years.

Q What was your wife's maiden name? A Elizabeth Parale Dawson.

Q What was your wife's father's name? A Her father was Samuel  
R. Dawson and her mother was the wife of Samuel L. Dawson, did you  
want her maiden name?

Q Well, if you know the maiden name of your wife's father, state  
how you know it? A Well she called Margaret, Margaret Queen  
was her maiden name.

Q The maiden name of your wife's father's mother? A My wife  
maiden name of my wife's father's mother?

Q Yes, sir? A From her husband and my father-in-law  
he is my Annie Pruett.

Q What was the name of your wife's father's father? A My wife  
father on her father's side, Samuel Dawson.

Q And his wife's name, was Annie Pruett? A Yes, sir.

Q Did you know the old gentleman, Samuel Dawson, your wife's  
grandfather? A Yes, sir.

Q Personally? A Yes, sir.

Q What opportunities had you to get acquainted with him? A He  
lived with his youngest son, my father-in-law, and visited me, my  
wife and I, after we were married, did not visit quite a while; I  
lived in my father-in-law and he visited very often.

Q When did he die? A '74.

Q Have you any particular method of recalling that date? A Well,  
I was away from the house when he was taken sick, and they sent  
for my wife and myself, and so when I got home my wife had come to  
her father's to see her grandfather, he was sick, and I remember my  
wife was a baby at that time.

Q And when was your first child born? A He was born December, '73.

Q You do not know of your wife's father when he died? A My wife  
was up in CO, but I don't remember his age.

Q Did the old original Samuel Dawson ever tell you his age? A Yes,  
sir, several times.

Q How old was he at the time of his death? A He was past 94.

Q Did he ever tell you whether or not his wife Annie Pruett had  
any sister or brother? A Told me she only had one brother named  
Bob Pruett.

Q Have any of the members of the family named their children after  
him? A Make it a little plain, it is a little long; my wife's  
oldest brother was a particular favorite of his grandfather, and he  
always took this boy with him everywhere, and he named one of  
his, - oldest child for this brother-in-law who was a particular  
favorite of his grandfather; named it for him I understood.

Q Now, what is his name? A Of course I don't know why he named  
it, but he gave him the name of Robert Pruett, and I understood  
it was on account of his grandfather thinking of Bob Pruett.

Q Did you ever hear the old Samuel Dawson speak of his brother-in-  
law? A Yes, sir; I have heard him say that he wished he knew  
what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.

Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?

Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.

Q Well, remember what you know of the family, who other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.

Q And John Dawson was the oldest boy? A Yes, sir.

Q And Samuel R. Dawson was the youngest boy? A Yes, sir.

Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know that the oldest son and his life told me.

Q What was that? A They said he was born in 1811.

Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.

Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know that the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.

Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.

Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.

Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.

Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKEMMON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Have you ever you apply for citizenship here? A Yes, sir; for my wife.

Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say

as to the date.

Q Before the Cherokee authorities? A Yes, sir.

Q Did he file an application before the Dawes Commission in 1896 also? A Him.

Q Yes, sir? A I don't think he did, no sir.

Q Did you? A I did.

Q On account of your wife? A Yes, sir.

Q Did you take affidavit to that application? A No, sir.

Q Who did? A I don't know, don't remember now.

Q You applied for your wife as an Indian by blood did you not?

A Yes, sir.

Q Are you still an applicant? A No, sir.

Q Is she? A No, sir.

Q She was denied was she? A Yes, sir.

Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.  
Q What? A Charge of murder.  
Q Anything else? A No, sir.  
Q Committed on the train? A Yes, sir.  
Q In a train robbery? A Yes, sir, in a train robbery.  
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.  
Q That all the crime you were ever charged with? A Yes, sir.  
Q Haven't you been having some trouble with the Dawson family?  
A Well personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.  
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.  
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir. I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows.

BY MR. HUTCHINGS:

Q State your name? A B. W. Alberty.  
Q What is your post-office? A Tahlequah.  
Q What is your present official position in the Cherokee Nation?  
A Assistant Executive Secretary of the Cherokee Nation.  
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.  
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.  
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)  
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Albert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation: the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No. 108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Rial Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."  
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19th, 1883.

J. L. ... et al., "et al."

... Nation.

To wit: For Claimants.

Witness:

Dr. Baker was testified as follows. My name is Arthur Baker I reside at Berryville, Arkansas, Carroll County, my age is 77 years, I am not a Cherokee, I lived in the Cherokee about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 32 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawson's grand old father's side, and frequently at my mother's house; when she Anna Pruet lived in the Nation side. She claimed to be a Cherokee; the first time she married the claimant's mother to my mother's father's side, the claimant's mother's mother's name, when I was a child I was called her daughter Polly Rogers said Capt. John Rogers was the first boat pilot on the river in the Nation of her child; I was a child frequently there at my mother's house in Louisiana, so Stone I was there occasionally until I was 15 or 16 years old, I think when Old John Rogers took her off to school. I do not know her from the time she left. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old fathers, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Mississippi River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them in Arkansas were recognized where they were as Cherokees, Robt Dawson's children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

- Ques. 1 How many children did Polly Rogers have?
- Ans. 1 Five, I think that's all.
- Ques. 2 Did you say something about someone being married twice?
- Ans. 2 The claimant was married twice.
- Ques. 3 Could Anna Pruet speak Cherokee?
- Ans. 3 Yes she could speak it well
- Ques. 4 Did Polly Rogers speak Cherokee?
- Ans. 4 She could when she was young.
- Ques. 5 How far do you live from Anna Pruet?
- Ans. 5 Just across the river about 3/4 of a mile.
- Ques. 6 Was Calhoun in the Cherokee Nation?
- Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?

Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.

Ques. 8 Did the claimant go to Texas?

Ans. 8 No the claimant didn't go to Texas.

Ques. 9 What connection was claimant and Polly Rogers?

Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.

Ques. 10 Where does claimant now live?

Ans. 10 He lives in Carroll County, Arkansas.

Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Coocoo-coowee?

Ans. 11 They claimed kin but what kin I don't know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 country about the year 1830.

Ques. 12 Was Ann a Pruet the maiden name of claimant's grandmother?

Ans. 12 Yes that was her maiden name the Indians called her since.

(signed) Arthur. A. x Baker.  
Mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Texas Court in 1883. A. Riley Dawson's Step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope N. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.  
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:

"No. 181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept. 13, to be Cherokees."

The contents of said envelope are as follows:

"Office of Commission on Citizenship.

Tahlequah, Cherokee Nation, Sept. 14, 1883,

E. Dawson,

No. 181, vs for his grand children,-

Lulu Dauthett,

Dallas Dauthett,

F. M. Dawson for claimant introduced sworn and in open court testified as follows:

My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.



I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. E. M. Dauthet, the father of the claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, who is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old -- She has been dead about 4 years as well as I can recollect, she was about 17 years old when she was married.

(signed) F. M. Dawson,  
Mark

Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, Sept. 14, 1903.  
No. 181 E. Dawson  
for his grand children  
Lulu Dauthett  
Dallas Dauthett

Joseph Dawson introduced for claimants, sworn in open court testified as follows:

Joe. Dawson, an Cherokee live in the Cherokee Nation, an 31 years old.

Lulu Dauthett and Dallas Dauthett, the claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I wa always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lulu, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

My Solicitor:  
Lulu is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Zanio, Bob, Smith, Coran, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. L. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

(signed) Joseph Dawson,  
Mark

To the Commission of Citizenship,  
Tahlequah, C. N. Sept. 12, 1903.  
E. Dawson for grandchildren,  
Lulu Dauthett,  
Dallas Dauthett,

vs  
Cherokee Nation.

Now come E. Dawson petitioning for the Cherokee rights of his grandchildren, Lulu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokee by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(signed) E. Dawson for grand children,  
By C. H. Taylor."

This last document is indorsed on back as follows:  
"No. 181, Petition of Lula, Douthett & Dallas Douthett, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY M. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,  
Table Book, C. N. August 11th, 1887.

Packet No.	Names,	Age	Sex	Post Office,	Attorney
1	S. R. Dawson,	66		Catoosa,	
2	Parlee Dawson,	44	female		
3	America J. Dawson,	35	"		
4	Katharine J. Dawson,	37	"		
5	J. G. Dawson,	31	male		Bell &
6	Elias F. Dawson,	29	"	Applicant for)	Bryant.
7	Tolliver Dawson,	27	"	Cherokee Nation.	
8	E. A. Dawson,	20	female		
9	Fanny Dawson,	18	"		
10	John Riley Dawson,	11	male	R.	
11	Robert E. Dawson,	9	"		
12	Claud Dawson,	7		Angestor	
13	Cleveland Dawson,	5		John Rogers	
-- filed August 11th, 1887."					

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilkey Pruitt, said to be a daughter of Joseph Vann, co. only known as Rich and he is of Cherokee blood. It is admitted that John Rogers and Chilkey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 22d, 1836, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and Dill brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship on only known as

"The Teebe Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 20th, 1836, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission do judge and decree that Samuel K. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Journah Barber nee Journah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,  
Chairman.

(signed) R. Bunch, Commissioner,  
John E. Gunter, Com'nr.

This April 26th, 1839.

(signed) D. L. Williams,  
Clk' Com'n."

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1839; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - - Years, - - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1837, Docket 980, Book C page 116, Testimony on Journal - - - Page - - - Decision of Commission. Rejected 26 day of April 1839 Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al., ) Office Com. On Citizenship,  
(vs) ( Tahlequah, I. T. Sept. 37th, 1838.  
Cherokee Nation. )

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Cooweescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Connell Rogers,

clk. Cor. on Citizenship.

This document is indorsed on back as follows:

"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1887.

Docket No.	Name	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

C. H. Taylor.

vs.

Applicant for  
Cherokee Citizenship,  
Census Rolls 1835  
Ancestor,  
Riley Dawson.

Cherokee Nation.

In red ink along age column are the words: "Rejected April 20, 1889."

"Adverse to Claimant.

See decision in this case in that of S. R.

Dawson in Book (3) Page 20.

This April 20, 1889.

D. S. Williams,  
clk Com.

Will P. Ross,

Chairman.

J. E. Carter, clk."

Y. H. HITCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment is copied into the record, Book C, on page 144, the date of said judgment being August 23rd, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on its back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address: Emmet, I. T., Age 48 years, 1835, to 1882, Roll of 18-- Ancestor Match, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page -- Decision of Commission, Rejected 23 day of August 1889. Submitted by Mr. Rasmus, Aug. 23, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokee s by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmet, Chic. Na. Family with their relationship attached is as follows:

No	Name	Sex	Age	Relationship.

In witness o which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Roudinot & Rasmus,  
Attorneys."

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind., Ter.  
Tallequah, August 23th, 1889.

Rebecca Dawson)  
V. S.

Cherokee Nation.) The above case was called and submitted by



Rasmus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and are not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas - - I. T.

(signed) WILL P. ROSS,  
Chairman,  
J. E. Gunter, Com."

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, Page 144, is as follows:

\*Rebecca Dawson.  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No	Names	Age Sex	Post Office Attorney.
1	Rebecca Dawson	48 female	Emmet, I. T.

1017

Rouffinct & R.  
Applicant for  
Cherokee Citizenship.

Census Rolls, 1835,  
to 1852.

Ancestor,  
Moton.

V. S.  
Cherokee Nation.

Office Commission Citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to citizenship in the Cherokee Nation.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nation next introduces the original envelope and contents in the case 193, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the court; also the judgment of the court as copied in Book C, page 145, - said judgment being rendered August 28th, 1889.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"193, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the - day of 6 18- Docket 1018, Book C Page 145, Testimony on Journal- Page- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889."

**"APPLICATION FOR CITIZENSHIP".**

To the Honorable Commission of Citizenship:

Gentlemen:- The undersigned, your petitioner, this day takes this his application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an act of the National Council, approved December 25th, 1896, creating your Commission, and respectfully takes the following statement of the grounds of this his application, to-wit:

That Mary Dawson is the Grand Daughter of one Hester who she undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokee's by blood, citizens of the Cherokee Nation, taken at the date in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this his application for Cherokee citizenship by blood, and respectfully avails the time when her Application shall be tried he shall be tried in accordance with the aforesaid

Age, 54, years; Postoffice, Bowie, Texas, family with their relations is attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	10	Son.

In witness of which a public declaration I herunto set by hand on this 24th day of October 1897.

Mary Dawson,

Donaldson & Rogers,  
Attorneys."

COMMISSION CITIZENSHIP,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, August 23th, 1899.

Mary Dawson, )  
vs ) Application for Cherokee  
The Cherokee Nation ) citizenship.

The above case having been submitted by F. P. Rogers, Attorney for plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 10 yrs, are not of Cherokee blood, P. O. Bowie, Tex. S.

F. P. Rogers,  
Chairman,  
J. C. Carter, Com."

Said envelope also contains the following:

**APPLICATION FOR CITIZENSHIP**  
TO THE HONORABLE COMMISSION OF CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day takes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 25th, 1896, creating your Commission, and respectfully takes the following statement of the grounds of this his application, to-wit: That James M. Dawson is the son of one Hester Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokee's by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee citizenship by blood, and respectfully avails the time when his Application shall be duly heard and tried

in accordance with the aforesaid law.

Age - - years; Post-office - - -; family with their relation-  
ship attached is as follows:

Names,	Sex	Age	Relationship.
Willie A. Dawson,	Male		Son.
Edward A. Dawson,	"		"

In witness whereof which application I hereto set my hand on this  
the 4th day of Oct 1887.

(signed) James H. ... Dawson,  
C. L. Taylor, Attorney."

The judgment is recorded in Book C, page 140, of the  
records of the Cherokee Commission on Citizenship, it is as  
follows:

"Mary Dawson,

Office of Commission Citizenship.

Table of, Ind. Ter., Oct. 5th, 1887.

Booklet No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	Female	Bowie, Texas.	
2	Walter Dawson,	18	Male		

Boudinot & R.

Applicant for  
Cherokee Citizenship.

Census Rolls 1835 to 1852  
Ancestor

vs.  
Cherokee Nation.

Office Commission on Citizenship,  
Cherokee Nation, Ind. Ter.,  
Table of, Aug 20th, 1889.

The above case has been submitted by W. P. ...  
attorney for applicant, without evidence, the Commission has  
heard Mary Dawson aged 54 years, and her son Walter Dawson aged 18  
years are not of Cherokee blood. Post office Bowie Texas.

Attest:

J. G. ...  
Clerk Commission.

W. P. ...  
Chairman.  
J. ...

BY MR. HUTCHINGS: The last of these introduces the original  
envelope in the case of Andrew J. Dawson, which said envelope  
contains his original application; also the judgment in that  
case recorded on page 50, of Book A, of the records of the  
Citizenship Commission of the Cherokee Nation, which said  
records are now in the custody of the Commission; the judgment  
is dated April 20th, 1889.



Applicants,

Alverse v. U. S., 1897.

Alverse.

See decision in this case in report of L. R. Dawson, Book P. 10.

See also Vol. 20-1-189.

L. R. Williams,  
Clerk Com."

BY MR. HUTCHINGS: We next desire to introduce the records in the case of Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 27th, 1896, and the judgment of the Commission thereon. Number of said case being 4,094. And the judgment of said case on page 298, Book B., Dawes Commission Record, 1896. Judgment was rendered November 12th, 1896, denying the application.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Receipt Receipt,

Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind. Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Hayes, Tahlequah, I. T., (signed) D. A. Frayser, M.-P. M.

"Commission to the Five Civilized Tribes,

Vinita, Ind. Ter., Sept. 7, 1896.

So that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make affidavit in conformity as follows:

I, S. M. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that the letter receipt no. 409, received from Postmaster, hereto attached, is a receipt for said package, which contained true copies of the application of Andrew J. Dawson, and of the affidavits of E. Dawson and J. M. Dawson in support of same. (signed) S. M. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.

(1896)

(signed) W. H. Kornegay,

Notary Public, First Judicial Division,  
of the Indian Territory.



Attach hereto to the said petition, a copy of the order of the Commissioner of Vinita, Indian Territory. This order is a copy of the former instructions, and is understood to be in full force and effect, and is not to be construed as a new order by the said Commissioners.

xxx

For the Commission."

APPLICATION OF PETITIONERS.

To the Honorable Henry D. Sawyer, Chief of B. Anderson, Archibald S. McKelmon, Thomas H. Cabani, and Alexander J. Montgomery, United States District Court, at Vinita, Indian Territory, on the 4th day of June 1890, in the case of the said petitioners in the Cherokee Cause:

Gentlemen:-

The undersigned, Andrew J. Dawson, William H. T. Dawson, Jesse K. Dawson, Alon Dale Dawson, James K. Dawson, William A. Dawson, Richard A. Dawson and Mary E. Dawson, and heirs, do hereby make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the lands and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokee by blood, taken in the years 1817, 1818, 1819 and 1821 & 1823 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his sworn statement of said claim, and respectfully awaits the action of your Honorable Commission.

Respectfully submitted,

Andrew J. Dawson,  
and  
Relationships:

Enrollment of Family, with relationship as follows:

Names.	Age.	Relationship.
Minnie E. T. Dawson,	25	Daughter,
Olive Mary Dawson,	27	Daughter
William H. T. Dawson,	24	Son,
Jesse K. Dawson,	18	Son.
Alon Dale Dawson,	15	Daughter.
James K. P. Dawson,	12	Brother.
William A. Dawson,	10	Nephew.
Mary E. Dawson,	1	Heiress.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,		Heiress.

IN WITNESS WHEREOF, I hereunto set my hand this Third day of September 1890.

(signed) Andrew J. Dawson.

Print on back of this card:

Notary Public for Indian Territory,  
Indian Territory,  
Notary Public.

Andrew J. Dawson, of lawful age, being by the first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a blood relation of the Cherokee Nation and a Cherokee Indian by blood descent, his Indian blood from Polly Rogers daughter of Captain John Rogers, and that Polly Rogers was daughter of John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwassee river while emigrating to the west.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me this 3rd day of September 1890.

(signed) J. A. Tillotson,  
Notary Public.

(Seal)  
My Commission expires June 3rd 1892.

Indian Territory,  
Notary Public for Indian Territory,  
Notary Public.

Andrew J. Dawson, of lawful age, being by the first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a blood relation of the Cherokee Nation and a Cherokee Indian by blood descent, his Indian blood from Polly Rogers daughter of Captain John Rogers, and that Polly Rogers was daughter of John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwassee river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers were his grand father and grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1858 as follows: An act of the Council of 1842 page 6, an act of Nov. 17 1843, page 36, also an act of Nov. 18 1849 page 204.

Affidavit further says that he is a blood relation of Andrew Dawson, Joseph Dawson, and John Dawson, who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me this 3rd day of September 1890.

(signed) J. A. Tillotson,  
Notary Public.

(Seal)  
My Commission expires June 3rd 1892.

Indian Territory, )  
Judicial Dist. ) S.S.

Andrew J. Dawson, of lawful age, being by the first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, the married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

his  
(signed) F. L. x Dawson  
Mark

Subscribed and sworn to before me this 4th day of Sept  
1896."

(signed) Frank L. Sharp  
Notary Public. (Seal)"

"Ind Ter  
Northern Dist

This affidavit made this 4th day of Sept 1896  
by E. Dawson of this Dist in the Cherokee Nation  
I have known A. J. Dawson 12 years and have known him and  
recognized him as a Cherokee Ind and a cousin of mine,  
he claims to originate from the family of Joe Dawson and he  
was a brother of Robert Dawson and being an offspring of Sam  
Dawson who was (line in ink drawn through word was) married  
Pellie Rogers a daughter of Captain John Rogers who was a  
recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,  
Notary Public,

My commission expires June 2, 1899.

(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation  
filed Sept 7-1896 A. S. McKennon, Clk'r."

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S.  
McKennon, T. B. Cabanis, A. B. Montgomery, Commissioners.  
In the matter of the application of  
Andrew J. Dawson, Nation's No.....  
Commission's No.....

for citizenship in the Cherokee Nation.

Your respondent, S. H. Hayes, Principal Chief of  
the Cherokee Nation, comes now and demurs the said application,  
and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the  
parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient  
if true, to show that the applicant . . . entitled to  
citizenship.

Respondent not waiving his aforesaid demurrer, but  
insisting upon the same for answer to said application, says  
that John Rogers through whom the petitioner claims to derive  
right to citizenship in the Cherokee Nation, is not now, . . .  
and has not been a citizen of the Cherokee Nation, since  
the removal of said Nation, west to the Indian Territory, as  
at present located and defined; that his name does not appear  
as any of the authenticated records of said Nation; that neither  
nor any of his ancestors now living, or ever have resided in  
the Cherokee Nation and Indian Territory, as citizens thereof.

See Nation's No. 4679.

Having fully answered, your respondent asks to be discharged.

C. H. Hayes, Principal Chief Cherokee Nation.

J. Hutchings, Hattie and Condit, Attorneys.

John L. Adams, Executive Secretary, Cherokee Nation, having taken his solemn oath, stated that the latter contained in the foregoing answer are true, to the best of his knowledge and belief.

(Signed) John L. Adams,

Subscribed and sworn to before me this 20th day of Oct. 1891.

(Signed) D. J. Fall,

Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.

See Nation's No. 4694, in re application of Andrew J. Denson, DEBUREAUER AND ANSWER. Filed Oct 21 H. B. Jacoby, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Denson, and heirs, Cherokee, 9-7-96, Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of T. C. Rogers and Sarah Carter as set forth in this case.

BY MR. MCKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

Record is shown by proof herewith filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Deane, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Sebastian and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for citizenship in the Cherokee Nation.

Gentlemen:- The undersigned, your petitioner, Joanna Barber, for and on behalf of herself and heirs, this day takes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to





the County of Grant 1897.

W. J. Watts,  
Notary Public.

Johna Barber and Joana Petty  
vs  
The Cherokee Nation, I. T.

Indian District,  
Cherokee Nation,  
First Judicial Division,  
U.S. Court, Indian Territory. ss

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the plaintiff Joana Barber and her late husband John Petty- that she is a Cherokee Indian- that he recalls that Joana Petty- was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsa Vann well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of  
National Seal) (signed) S. R. Dawson.

Subscribed & sworn to before me on 2d day of July 1897  
(signed) W. J. Watts,  
Notary Public.

United States of America,  
Indian Territory, (ss  
First Judicial Division.

I, William F. Adams, Notary Public within and for the Judicial Division aforesaid, do hereby certify that the next above is the plain copy of an affidavit in a true and literal copy of the original as produced to me at Dalequah, Ind. Terr., this 2d Third day of July A.D. 1897.

(signed) William F. Adams,  
Notary Public, First Judicial Division, Indian Territory.  
(Seal) My Commission expires Feb'y 3, 1897."

(A copy)

In the matter of the claim of Joana Barber (nee Joana Petty)

to be a citizen of the United States, and that he is a citizen of the Cherokee Nation, Indian Territory.

Affidavit of E. Dawson,  
Commissioner District,  
Cherokee Nation,  
First Judicial Division, (and  
U. S. Court, Ind. Ter.)

E. Dawson, to wit, the undersigned, is a reliable and responsible after being duly sworn according to law, and testifies on oath that he is a certified citizen of the Cherokee Nation by blood- that he is a resident in said Nation at his post office address is Tahlequah, Ind. Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joann Barber and has been as long as he can remember any person- that she is a person of Cherokee Indian descent the her maiden name was Joann Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers, the wife of one Charles Rogers, who intermarried with Samuel Brown, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this 24th day of February 1897

(signed) A. F. Williams,  
Notary Public.

(Imprint of  
National Seal  
Here.)  
Com. Exps. Sept. 26/96.

United States of America,  
Indian Territory, S. S.  
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind. Ter. this the third day of July A.D. 1897.

(signed) W. F. Rasmus.

(Seal) Notary Public, first judicial division: Indian Territory, my Commission expires February 7, 1897.)

United States of America,  
Western District of Arkansas, S. S.

In the case of one Joann Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths W. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

... near ... Tulsa, Ind. Ter. I ... Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named ... as follows, to-wit: That ... personally well acquainted with the claimant, Joannah Barber ... whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, - a Cherokee Indian by blood, and the sister of his father; James Dawson, nee Dec'd, a respectable ... of Cherokee Indian blood - the said ... sister of Robert Dawson, Dec'd, a well known and respectable Cherokee Indian by blood - said ... the said Joannah Barber is his (said Dec'd) first cousin by Cherokee Indian blood and therefore is of Cherokee Indian blood.

(signed) F. L. Dawson.

Subscribed and sworn to before me at Tallahassee, Ind. Ter. this 17th day of November A.D. 1893.

(signed) W. L. Lewis, United States Commissioner.

(no 1)

UNITED STATES OF AMERICA. )  
Western District of Arkansas. )ss

In the case of Joannah Barber claimant by citizenship in the Cherokee Nation, Indian Territory, nee a Cherokee Indian by blood, before Cherokee Indian territory at Tallahassee, Cherokee Nation, Indian Territory.

Personally came this day before me William L. Dawson, a Commissioner of the U. S. Dist. Court within and for the District aforementioned duly authorized to administer oaths Francis L. Dawson, to be made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: by name is Francis L. Dawson by age is about 57 years, by post-office address is Afton, Ind. Ter., I have known by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joannah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood - and I acknowledge the relationship by Cherokee Indian blood of Joannah Barber to me as first cousin - and I know that the said Joannah Barber therefore is of Cherokee Indian blood.

(signed) F. L. Dawson.

Subscribed and sworn to before me at Tallahassee, Ind. Ter. this 17th day of November A.D. 1893.

(signed) W. L. Lewis, United States Commissioner.

(no 1)

Indexed on back as follows: "no. 1, filed Feb. 24 1897, Jas. A. Finston, Clerk."

"P. . . , bucket "5"  
 To . . .  
 . . .  
 Table No. 2. H. Aug. 11, 1887.  
 App. Sec. Post Office. . . .

bucket. No.	Name	Age	Sex	Post Office	Addr.
1	Joseph Barber	61	female	Winton, I. T.	
2	Ailey J. Barber	34	male		
3	Irma Barber	21	female		
4	Edna Barber	22	female		
5	Atta Barber	20	female		
6	John Barber	17	male	Cherokee Nation	
7	Salce Barber	17	male	Cherokee Nation	
	Joel Barber	17	male	Tolla 1875	
	Calvary Barber	17	male		
1	Toliver Barber	17	male		
11	Riley Barber	17	male		
12	Edgar Barber	17	male		

V.S.  
 Filed Aug. 12, 1887. John Rogers & Alex Pruet

See decision in this case in the case of L. F. Dawson, adverse to claimant in this book page 30. Filed April 20th, 1889.

E. A. Williams, Clerk com. Will. P. Ross, Chairman, J. E. Center, Com."

"S. E. Dawson.  
 Office Commission on Citizenship,  
 Table No. 2. H. Aug. 11th, 1887.

bucket. No.	Name	Age	Sex	Post Office	Addr.
1	S. E. Dawson,	38	male	Catoosa, I. T.	
2	Parles Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J. "	35	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	28	male		
7	Toliver Dawson,	27	male	Applicant for Cherokee Nation	
8	Emma Dawson,	20	female	Cherokee Nation	
9	Fanny Dawson,	18	female	Cherokee Nation	
10	John Filer Dawson	17	male		
11	Robt. E. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	5	male	Ancestor	

Filed Aug. 11, 1887. John Rogers  
 Rejected April 20, 1889.

Note: This day comes the above case for final hearing. Samuel E. Dawson bases his application for re-admission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the alleged daughter of Captain John Rogers, and Chiley Pruet said to be half sister of Joseph Vann or one known as Rich and was pure of Cherokee blood. It is admitted that John Rogers

... of the Act of October 3, 1886, providing for the admission of persons of African blood, but in support of the application it is urged that certain forefathers of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on Citizenship commonly known as the "Tahoe Court" and "Spears Court" and are not residing in the Cherokee Nation. In the opinion of this Commission the sufficiency of the affidavits on which determined the decisions of these Commissions or the testimony now introduced to authorize the admission of the present applicant is not relevant to the issue now pending. The 7th section of the Act of October 3, 1886, as amended provides that the Commission can issue to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of the Cherokee Nation by the United States, and hereafter understood, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission do judge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James H. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,  
 F. Bunch, Commissioner,  
 John E. Genter, Commissioner.

This April 26th, 1889,  
 D. S. Williams, Clerk Com."

United States of America, }  
 Indian Territory, } ss.  
 Northern District.

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skia-atook, Ind. Ter. that he was born and raised in the above said Nation and Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers and was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiant's grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had one sister and five brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Granvil Rogers and Rudolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties except Granvil and Rudolph Rogers who were killed upon this affiant was quite young.



This affidavit was made by the said Charles Rogers, of the  
County of Cherokee, State of Oklahoma, who is a member of the  
said family (11 years of age) and who is a citizen of the  
said State and that the only other person named in the application for  
citizenship of the said Polly Rogers named in the application for  
citizenship of the said State of Oklahoma, was not a sister of the said  
Charles Rogers, but a sister-in-law of the said Charles Rogers, and  
that the said Charles Rogers never heard of that said affiant or of  
any other person named in the said application for citizenship of the  
said State of Oklahoma.

Last page the following is the text of the said affidavit:

"EXECUTIVE DEPARTMENT OF

CHEROKEE NATION, I, John L. Adair, Executive  
Secretary of the Cherokee Nation, do hereby certify that I  
have compared the foregoing with the original report of the  
Department, and that the same are correct in all particulars  
thereof.

In witness whereof I have hereunto set my hand  
and affixed the Great Seal of said Cherokee Nation, at Tahlequah,  
this, the 5th day of Feb. 1896.

(signed) John L. Adair,  
Executive Secretary."

(Seal)

Then the above affidavit continues:

"(now) Rogers that she lived with this affiant's father for  
a number of years prior to her death.

Affiant states that he knows that the said Charles Rogers,  
Charles Rogers and his wife and child (now Rogers) about  
his relatives; that they never spoke of any other sister in  
their family; that his affiant was born 70 years of age when  
his aunt, Cynthia Crum died; that they told him there never was  
(words "never was" marked by red ink) father never had any  
other daughter or daughter other than Cynthia Rogers.

Affiant states that his father told him a number of times,  
that this affiant's grandfather, Charles Rogers never had any  
other family other than the one above mentioned; that this  
affiant never heard his father, Charles Rogers or any of his  
relatives speak of his grandfather or Carl John Rogers owning, or  
possessing, any river.

Affiant states his father, Charles Rogers, was born on  
21st July, South-east of Muskogee, Arkansas, in the year  
of 1817.

Further affiant said not.

Subscribed and sworn to before me on this the first day of  
October, 1896.

(signed) Willa L. Hall,  
Notary Public,

(seal) My Commission expires January 16th, 1900."

United States of America, )  
Indian Territory, (SS  
Northern District. )

... states: that she is a citizen and resident of the Cherokee  
Nation, Ind. Terr. and her post office address is Hilo, I. T.  
that she is 65 years of age.

Applicant states that she is a daughter of Charlie Rogers; that her grand father on her father's side was Capt John Rogers. Applicant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and that the contents thereof, and the facts therein set forth are true as she verily believes.

(Signed) Sarah Rogers.

Subscribed and sworn to before me this 1st day of October, 1890.

William J. Hill,  
Notary Public,

My Commission expires January 1st 1891.  
(1001)

Before the Honorable Henry L. Hayes, Samuel C. Armstrong, A. S. Lockman, T. B. - (name torn off) A. B. Montgomery, Commissioners.

In the matter of the application of Nation's No. 1573  
Joannah Barber Commissioner's No. ...  
et al.  
For citizenship in the Cherokee Nation.

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, comes now to denure the said application, and to withdraw therefrom as follows:

1st. That the Commission has no jurisdiction over the parties or subject matter of this controversy, and no legal right, power, or authority to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid denurrer, but insisting upon the same for answer to said application, says the John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that his name does not appear upon any of the authenticated rolls of said Nation; that neither he nor any of his ancestors now reside or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Hayes, Principal Chief Cherokee Nation.

By Hutchings, Hastings & Boudinet, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answer is true, to the best of his knowledge and belief.

(Signed) John L. Adair,

Subscribed and sworn to before me this 1st day of Oct. 1890.

(Signed) W. J. Hill,

(1001)

Notary Public.

INDEX  
1877, Court in 1877, No. 1000. In the application of No. 2  
Joanna Barber, daughter of A. Barber, filed Mar 17 1897 Jan.  
A. Barber, clerk, filed Oct 2 1897 W. J. Jackson, Secy.

"CHIEF."

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

July 2, 1897, in the application of the Act, Chapter 10, 1897, in  
the Act of Congress, March 4, 1896, to amend and alter the  
law for citizenship in the Five Civilized Tribes of Indian,  
to-wit:  
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the  
Cherokee Nation, of Joanna Barber and her children, to-wit:

Edie F. Barber, William L. Barber, James H. Barber, John L.  
Barber and Joel A. Barber.

In the matter of the application for citizenship in the  
Cherokee Nation of Joel A. Barber and his children, to-wit:  
Lattie Barber, Toliver Barber, George A. Barber, Jr. and G.  
Barber, Jesse Barber and Ethel Barber.

In the matter of the application for citizenship in the  
Cherokee Nation of Mary A. Barber and her child, to-wit: Inez  
Barber.

In the matter of the application for citizenship in the  
Cherokee Nation of Ema L. Murray and her child, to-wit:  
Claude M. Murray.

In the matter of the application for citizenship in the  
Cherokee Nation of Ema Moore and her children, to-wit:  
Anna J. Moore, Jackson D. Moore, Rensby Moore and Gladys Moore.

In the matter of the application for citizenship in the  
Cherokee Nation of Alice L. Hunt and her child, to-wit: Derris  
Hunt.

In the matter of the application for citizenship in the  
Cherokee Nation of Alcey J. Smart and her children, to-wit:  
Georgia A. Smart and Erzy L. Smart.

In the matter of the application for citizenship in the  
Cherokee Nation of Joannah J. Garlinghouse and her children,  
to-wit: Myrtle O. Garlinghouse, Cora L. Garlinghouse and Minnie  
Garlinghouse.

In order that the Honorable Commission may clearly and  
fully understand the proof and merits of the claims of the  
aforesaid claimants, we deem it necessary to present to the  
Honorable Commission, the genealogy of each of said claimants,  
to-wit:

Joanna Barber, whose maiden name was Joanna Petty, is a  
daughter of Elizabeth Petty, nee Dawson and a granddaughter of  
Polly Dawson, nee Rogers and a great granddaughter of Captain  
John Rogers, who was a Cherokee Indian by blood as given by  
the proof herein submitted.

POOR ORIGINAL -  
BEST AVAILABLE COPY

Joan A. Barber, nee Petty, nee Lawson a great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Barber, whose maiden name was Mary A. Barber, nee daughter of Joan A. Barber and daughter of Elizabeth Petty, nee Dawson and nee Petty, and daughter of Polly Dawson, nee Rogers and a great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

E. A. Barber, whose maiden name was E. A. Barber, is daughter of Joan A. Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

E. A. Barber, whose maiden name was E. A. Barber, is daughter of Joan A. Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Attie L. Hunt, whose maiden name was Attie L. Barber, is daughter of Joan A. Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the proof herein submitted.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is daughter of Joan A. Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joan J. Carlino, whose maiden name was Joan J. Smart, is daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joan A. Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers, and a great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their aforementioned children, upon the Cherokee rolls, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carlino & Watts,  
Council for Petitioners.

Orders of the Court: "No. 3 Filed Feb 24 1897,  
Jas. A. Winston, Clerk."

Commissioners,  
Henry L. Dales, Frank C. Armstrong, Archibald C. McKeon,  
Thomas B. Cahaliss, Alexander R. Montgomery--H. M. Jacoby,  
Secretary.

DEPARTMENT OF THE INTERIOR,

Commissioner to the Five Civilized Tribes,  
Vinita, Indian Territory, Oct 2, 1896.

John Barber,  
vs.  
Cherokee Nation.

Filed Sept. 3, Answer filed,  
Application denied.

I, H. M. Jacoby, Jr., Secretary, do hereby certify that  
the above and foregoing is a true and correct copy of Cherokee  
Record A. page 297 of the Commission to the Five Civilized  
Tribes.

Given and subscribed with official signature this 13  
day of Feb. 1897.

H. M. Jacoby, Jr.,  
Secretary."

Index ed as follows: "1897 No. 4 Filed Feb 24 1897  
Jas. A. Winston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED  
TRIBES.

John Barber et al,  
vs.  
Cherokee Nation.

No. 1864.

AFFIDAVIT FOR APPEAL.

I, the said John Barber et al applicants for citizenship  
in this case by T. B. Watts, one of their attorneys,  
and pray an appeal from the decision of the Honorable  
Commission to the United States District Court as provided  
by the Act of Congress approved June 10th, 1896.

And the said T. B. Watts, being duly sworn and acting  
on behalf of said applicants and that the appeal prayed for  
in this case is not asked for the purpose of delay and that  
justice may be done the said

(signed) T. B. Watts,  
Sworn and subscribed to before me this 22<sup>nd</sup> day of December  
1896. (signed) J. C. Lindsey,  
(SEAL) Notary Public.

Commission expires March 24th 1897.

Indexed: "Sept 30."



Received of J. Q. Winston, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of  
vs. Cherokee Nation, as follows:

Witness my hand and official seal at this place this 7th day of July 1897.  
(SEAL) (Signed) J. Q. Winston, Clk."

Income of "Court," 30 No. 1894, receipt for original papers in the case of Joshua Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,  
NORTH IN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joshua Barber, Orie E. Barber, William P. Barber, James T. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Elizabeth, Adie L. Kent, Alcor J. Spant, APPELLANTS.  
VS  
CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cometh the appellants in the above entitled cause and petition the Court to grant an appeal in said case from the decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to make up and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. S. Dawson, F. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establish the fact that said applicants are Cherokee Indians, of blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in refusing its decision and order adversely to the appellants and in not to be so dictated by said appellants.

SECOND. The Commission erred in insisting that the appellants deny the right to a hearing to the members of the Commission.

THIRD. The Commission erred in refusing to allow the appellants the right of privilege of examination of the records submitted by appellee in support of the claims filed by the appellants, and in denying the appellants the right of Bill of Rights to examine appellee's answer or production of records submitted by appellee.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as required by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for and produce and return records to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the location of residence, holding that residence in the Cherokee Nation was not a test of right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to send by mail to appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELFTH. That the Act of Congress approved June 14, 1860, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a writ, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send and pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited and ordered



Information on back as follows: "Citizenship Case No. 10  
of S. Indian... Cherokee... At the Cherokee Nation."

JOANNA BARBER et al.  
vs. No. 20.  
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom this case was referred, submit the following report:

IN SENATE UNIT D STATES COURT IN THE INDIAN TERRITORY,  
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER et al. )

-vs- )

THE CHEROKEE NATION. )

THE CHEROKEE NATION. )

-----000-----

I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the report of the Special Master herein, which is hereto attached and have a true and correct copy of the same as follows:

I

This case arose by application on September 25th, 1896, under the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their children, Ouis E., William E., James E., Joanna and Joel A. Barber. That Joel A. Barber has the following children, Mattie Toliver, George A., Frankie C., Joseph K. and Joel Barber. That the application included also Mary A. Taylor and her child Inez Taylor, Emma L. Murphy and her child Glad Murphy, Ella Moore and her children Anna J., Jackson B., Ruby and Gladys, Attie L. Hunt and her child Dorcas Hunt, Alvey J. Smart and her children Georgia A. and Erzey L. Smart, John J. Carlighouse and her children Myrtle C., Cora L. and Berneice Carlighouse. That this application was by the Commission tried and rejected on October 29th, 1896, with no reasons given for the decision, and that subsequently on December 27, 1896, the plaintiffs appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That the parties filed in support of their application the affidavits of S. B. Dawson, E. Dawson, Francis M. Dawson, and V. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Peck, nee Dawson, who was the daughter of Polly Rogers, who was a white man by the son of Samuel Dawson, and that Polly Rogers was the daughter of Captain John Rogers and Ailsay Vann. That these witnesses are all Cherokee citizens by blood, acquainted with the

... according to the testimony, ... later to the ...

The same is introduced to controvert this testimony ... decision of the Cherokee Commission on Citizenship, rendered in the year 1857, in which these claimants were rejected by this Commission and also the affidavits of W. C. ... a grandson of Captain John Rogers, and Mrs. Sarah Carter, granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers is his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, and entitled to be admitted to the Cherokee Nation as citizens of blood, while the appellee contends that John Rogers, through whom the claimants claim, is not recognized as a citizen of the Cherokee Nation since the removal West; that he has never appeared on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1857, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.  
Respectfully submitted this 10 day of August, 1897.  
(signed) H. A. Gibson,  
SPECIAL MASTER.

... paid.  
No Exceptions filed."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1857, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the applicants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants



... of the Cherokee Nation, et al. vs. Cheroke Nation, et al. ...  
In the case of Irene J. House et al. vs. Cherokee Nation, et al. ...  
... of the Cherokee Nation, et al. vs. Cherokee Nation, et al. ...  
... of the Cherokee Nation, et al. vs. Cherokee Nation, et al. ...

NOTICE.

UNITED STATES OF AMERICA ) In the United States Court for  
INDIAN TERRITORY (SS) said District.  
SOUTHERN DISTRICT. ) In the matter of the application  
of Joanna Barber et al. to be  
enrolled as citizens of the Cherokee Nation.

... is in the Cherokee Nation, et al. vs. Cherokee Nation, et al. ...  
You are hereby notified that an appeal has been  
taken in the matter of the application of Joanna Barber et al.  
to be enrolled as citizens of the Cherokee Nation, from the  
said Commission, to the United States Court for the Northern  
District of the Indian Territory, and that your tribunal is  
requested by said Court to transmit at the earliest time  
practicable to said Court, Muskogee, Indian Territory, a  
transcript of all the evidence made in the docket of your  
tribunal relating to the case, together with the depositions  
and testimony taken before said tribunal; the decision thereof  
on the application, and all original papers relating thereto.

Witness the Honorable Willard H. Springer, Judge of said  
Court, and the seal thereof, Muskogee, Indian Territory,  
the 27 day of Dec. 1896. A.D. 189-4.

(SEAL) (signed) J. A. Winston, Clerk.  
Indorsed: "No. 1664 - Joanna Barber et al vs Cherokee Nation,  
APPEAL ORDER OF U. S. COURT."

Foreign paper enclosed in jacket marked: "No. 1664."

BY MR. HUTCHINGS:

We do not introduce the original record in the  
citizenship case of Irene J. House, et al., before the Commission  
in 1890, the court number of same being 238, said case  
being denied by the Commission; appealed to the United States  
Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the  
certified copy filed therein of the testimony of Arthur Baker,  
the certified copy having been made in 1894, being the  
testimony of Dr. Baker in the case of Robert Dawson against  
the Nation, number 100, before the citizenship Commission,  
and which was made January 19, 1892.

BY MR. McKENNON: To all of which the applicants object,  
because the same is immaterial, irrelevant and incompetent.

The undersigned, Clerk of the Court, do hereby certify that the following is a true and correct copy of the original:

Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19, 1932.

vs.  
Cherokee Nation.

Testimony for Plaintiffs

Witness, Dr. Arthur Baker sworn testifies as follows:  
My name is Arthur A. Baker I reside at Ferryville Arkansas Carroll County 7 years is 37 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some 25 years - At my fathers house near Calhoun I became acquainted with the claimants Robt Dawson grandnother on mother's side she was frequently at my fathers house though a Anna Pruet lived in the Nation side; she claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my fathers house she the mother's mother was about 70 when I was a little boy. She called her daughter Polly Rogers, said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my fathers and there at Louis Rancee store.

I saw her occasionally until I was about 10 years of age and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there at his and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruet and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River. Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls. The children named in the petition I recognized as being the claimants.

Question by Solicitor:

- Q. 1 How many children did Polly Rogers have?
- A. 1 Five I think that's all.
- Q. 2 Did you say anything about some one being married twice?
- A. 2 The claimant was married twice.
- Q. 3 Could Anna Pruet speak Cherokee?
- A. 3 Yes, she could speak it well.

- Ques 4 Polly Rogers, 1830?
- Ans. 4 She was born in 1800.
- Ques 5 How far did she live from the river?
- Ans. 5 Just across the river about 1/2 mile.
- Ques 6 Was Salmon in the Cherokee Nation?
- Ans. 6 It was on both sides of the river and the land part out in the State.
- Ques 7 Which name was it sent to Texas?
- Ans. 7 George went first, then John, the son of old ran Farnage, that lived up near the river.
- Ques 8 Did the claimant go to Texas?
- Ans. 8 No the claimant did not go to Texas.
- Ques 9 What connection was claimant to Polly Rogers?
- Ans. 9 The claimant is the son of Polly Rogers.
- Ques 10 Where does claimant now live?
- Ans. 10 He lives in Carroll Co Arkansas.
- Ques 11 Do you know what relation old Capt John Rogers has to Charles Rogers here in Converse Co?
- Ans. 11 They claimed him but what kind I don't know there were two Capt John Rogers in the Nation I first saw of the time when I first came to this country about the year 1830.
- Ques 12 Was Anna Pruet the maiden name of claimants grand mother?
- Ans. 12 Yes that was her maiden name the Indian called her since his

(signed) Arthur A. Baker  
 Esq.

Witness hand placed in the reason why he signed by a mark

I R T Parks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct copy of the original as a bears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(seal) (signed) R. T. Parks,  
 Asst. Exec. Sec.

"To the Honorable the Doves Commission Citizens in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, a female, do hereby certify that she is a Cherokee Indian by blood, she wishes to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her mother, who is a Cherokee Indian by blood. The said Joannah Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (also Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

...fairly...  
...of the...  
...citizenship in  
...treaties with...

...years. My post office is in Talala, I.  
...family consists of my wife, my son and  
...and children as follows:

- J. House, aged 34 years
- Wm. J. House, aged 10 years
- Avy M. House, aged 8 years

...  
(signed) Irene J. House.

Northern Judicial  
District, Ind. Ter. ss.

Personally appeared before me, the undersigned authority,  
Irene J. House, to me known to be the petitioner in the above  
petition, who being by me first duly sworn upon her oath  
says that she is the petitioner in the above petition, that  
she has read (or heard read) the said petition and that the  
facts stated therein are true, as she verily believes.

(signed) Irene J. House.  
Subscribed and sworn to before me at Talala, Ind. Ter.  
this 12 day of August A.D. 1896.

(seal) (signed) J. Barricklaw,  
Notary Public, my commission expires  
June 3 1898."

"EXHIBIT A."  
Northern Judicial Division,  
Indian Territory.

Joanna Barber being duly sworn according to law, on oath  
states that she is Joanna Barber 1 or 61 sixty one years old  
her office address is Fatova Ind Ter- by husband occupation  
is Farmer and a Cherokee in Coconawocove Dist I and a Cherokee  
Indian by blood by father born Elizabeth Petty (nee Jackson)  
daughter of Samuel Jackson and Polly Jackson (nee Rogers) and  
said Polly Rogers is a daughter of Capt Rogers and Anna Vann  
(now only called Alsey Vann) the following Irene J. House  
my daughter; she was born in William County, Texas May  
13 1867, moved with her husband children to the Indian Territory  
and settled near Talala & Terry

(signed) Joanna Barber  
Subscribed and sworn to before me this 12 day of August 1896.  
(signed) J. Barricklaw,  
Notary Public, my commission expires  
(seal) June 3 1899

"EXHIBIT B."

Indian Territory,  
Northern Judicial District ss.  
F. L. Dawson being duly sworn according to law  
deposes and says:

My name is F. L. Dawson; I am 64 years of age; my office address is Afton Indian Territory, I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I am born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandfather whose maiden name was Polly Rogers through my father Robert Dawson, by said mother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1838 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Pety were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers. The said Elizabeth Pety was the mother of Joan Barber who is a full cousin by blood of this affiant in the Indian side. The said Joana Barber is the mother of Irene J. House who Barber she is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payments; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koozler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, to facts stated as occurring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(Signed) F. L. Dawson.

Indian Territory,  
Northern District.

I John H. Koozler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. L. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1890, and I further certify that the said F. L. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(Seal)

(Signed) John H. Koozler,  
Notary Public.



Northern Judicial District,  
Indian Territory.

WILLIE D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my best office address is Talala, Ind. Ter. I am a Farmer by Occupation, and reside in Coconino District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My Grandmother Polly Rogers was a Cherokee Indian and was married to my Grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grandparents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Sawyer both West from the Old Cherokee Country in about the year 1830, and settled in Western Arkansas, and later came to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joannah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joannah Barber is the mother of Irene J. House, whose maiden name was Irene J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irene J. House.

I have made this statement before J. Barricklaw, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irene J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occurred before the recollection of affiant he testifies to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this the 19 day of August 1896

(signed) J. Barricklaw,

Notary Public, My Commission expires June 3, 1900.  
(seal). Notary Public.

Cherokee Nation,  
Eastern District.

EXHIBIT E.

Before me the undersigned authority this day,  
personally appeared W. A. Dawson who is to me well and person-  
ally acquainted, and after being duly sworn; deposes and says,  
that he is well acquainted with Irena J. House and knows  
she is a Cherokee Indian, and that he knows she is the daughter  
of Joana Barber, who is a neice of Robt. & James Dawson, who  
are both Cherokee Indians and recognized citizens of the  
Cherokee Nation.

Affiant further states that Irena House is the grand  
daughter of Mrs. Petty, who was a full sister of Robt & James  
Dawson.

Affiant further says that he knows that Irena House is  
a lineal descendant of Amie Dawson whose children (line  
drawn through word "children") sons, Robt & James before  
said, are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 6 1896."

Foregoing indorsed on cover as follows:

"No: 3099 5464 Before the Dawes Commission on Citizenship  
in the Five Tribes. Irene J. House V.S. The Cherokee Nation.  
Petition and Proof, Will E. Linton, for Petitioner. Filed  
Sept 8 1896 A. S. McKenyon, Com'r. Denied. Filed Feb 26  
1897 Jas A. Winston clerk."

"Received of H. H. Jacoway, jr., Secretary to the  
Commission to the Five Civilized Tribes the original papers  
in the cause of .... vs. .... Nation, as follows.....  
Witness my hand and of ficial seal at Muskogee this the 26 day  
of Feb' 1897 J. A. Winston, Clerk."  
(Seal)"

Indorsed: "Court No. 238 No. 5464 Receipt for original  
papers in the case of Irene J. House vs. Cherokee Nation,  
Received and filed this ..... day of ..... 189...."

"Irene J. House et al,  
vs. No. 238  
Cherokee Nation.

Mr. H. A. Gibson, Special Master to whom this case  
was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

U. S. DISTRICT COURT

WEST VIRGINIA

CHAS. H. HART V.

... Court ...

I

This case is in respect a branch of ... Cherokee Nation, the principal claimant herein ...

That this case was tried by the said Commissioner on November 24, 1890 and the applicants denied, no reasons being given for the decision, and that on January 26, 1891, the applicant appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, of their children Chas., C. ... and Henry V. House. That they file in support of their application the affidavits of Joanna Barber, ... Arthur A. Baker, E. Fawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimant herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Peck, who is the daughter of

Polly Rogers, who is the daughter of Captain John Rogers and Ailsay Mann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family were recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that all claim through a son or grandson, Polly Rogers and Captain John Rogers and Ailsay Mann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commissioner on citizenship in the year 1837, and the record of the rejection of the claimants, and further the affidavits of W. A. Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

TV

The papers considered, I find that the claimants are the issue of Captain John Rogers, and that it was established that in the condition of affairs at that time in the Cherokee Nation, especially owing to the absence of a large land of records pertaining to marriage, that such affidavits should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1837, and that they are Cherokee Indians by blood.

I find that the claimants will be a reasonable fee for my services as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) E. A. Gibson,  
Special Master.

By Special Master,  
No Exceptions Filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

BY MR. HERRINGS:

"Well we close for the present."

TESTIMONY INTRODUCED IN BEHALF OF THE APPLICANTS:

D. F. C. BUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. HERRINGS:

Q Please state your name, age and residence. A My name is D. F. C. Buncan, age 41 is 75 years, my residence, Vinita, Indian Territory.

Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.

Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.

Q Before this Commission I did say, this Commission? A The Dawes Commission? A Yes, I don't recollect who the Commissioner was, that was taken at Vinita, in parts.

Q Were you in any way connected with the Cherokee Citizenship Commission and know of the "Teehee Commission"? A I was Clerk of that Commission.

Q ... least the exact length  
of ... during the continuance  
of ...  
Q ... its existence were you?  
A ...  
Q ... it rendered a decision  
... on page 114, of its  
... (has been removed)  
... now  
... decision? A I never.  
Q ... as shown by the  
...  
A Yes, sir.  
Q ... Alex Wolfe and T. A.  
...  
A That's correct.  
Q ... consideration by that  
... in the case? A I was.  
... Lawson, was only  
... H. Benge, who were  
...  
A I might  
... I saw  
... Mr. Taylor and Mr. Benge  
... number of years.  
Q ... were they?  
A They were.  
Q ... size ship Attorney?  
A I think he was.  
Q ... Benge present at the time this  
case was under consideration by the Court? A Why I do not recollect  
seeing Mr. Benge, I cannot recollect, but I can recollect of seeing  
Mr. Taylor about the Court room now and then.  
Q Do you know who submitted the case to the Court for the  
applicants? A Let me understand the meaning of that; who brought  
the case?  
Q Who called up the case? A No, I don't recollect.  
Q Do you remember whether that Commission rendered any other decision  
than that found upon the record in that case? A I never had any  
knowledge only that one decision.  
Q Was that in favor of or against the applicants? A It was in  
favor of them; I will say that; that if there was another decision  
other than the one that appears on the docket now before you, I  
have no recollection of it.  
Q The only decision you have any knowledge of was recorded by you  
in this book as here shown, is it not? A That is the only one that  
I have any knowledge of.  
Q Did Bud Dawson pay you any money in connection with that case?  
A He did not.  
Q Did he ever promise to pay you any money for your influence  
with the Court on the case? A Never.  
Q Or did you pay money, either directly or through any other  
person? A For my influence in that case?  
Q Yes, sir? A Never.  
Q Did you have any knowledge of his having paid to the Court  
or to any member of the Court any money for the purpose of influenc-  
ing their judgment in that case? A None whatever.  
Q Did you have opportunity of observing his conduct during that  
Court at the time? A The only opportunity that I had was during  
the session of the Commission; I saw but very little of him during  
the recesses of the Commission; now and then I would see him in  
passing.  
Q Did you see anything, in his conduct toward that Court which  
indicated that he had used undue influence in procuring that judg-





Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking up claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. MCKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners, D. F. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,  
Tahlequah, C. N., September 24th, 1881.

No. 108

Robt Dawson,  
Gilbert Dawson,  
Jasper Dawson,  
John Dawson,  
Josephine Dawson,  
Joseph Dawson,  
Jane Dawson,  
Molly Dawson,  
Wilbron Dawson,  
James Dawson,  
Rial Dawson,

Petition for Citizenship

vs.

Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1883.

The above case continued by the Cherokee Nation till 207th.

term. Agreed by the parties that the above shall not be taken up for final disposition before the 1st day of Oct. 1882, October 1st, 1882

It is agreed by the parties that this shall be finally disposed of at the next January term if the plaintiff be present demanding the same, if not, the case shall be taken on-tilled to the September term, 1883.

On this agreement Commission continues the case till the next January term, to-wit, January 1st, 1883.

And now this the 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on citizenship that the claimants, Robert Dawson, F. H. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Joseph Dawson, Joseph Dawson, James Dawson, Holly Dawson, Wilbron Dawson, James Dawson, and Piel Dawson, 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 they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Toney,  
President of Court.

D. W. C. Duncan, Alex Wolfe, )  
Clerk of Commission. F. F. Thompson, )  
Com. Secy.

Transcript issued to Claimants, January 11th, 1883,  
(signed) D. W. C. Duncan, Clerk.

Original Note: "Case submitted by Claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but owing my attention upon what I know to be the transaction of the Court at the time, seeing the names of all these Commissioners there, I can say with great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assisting to it or directing it.

Q The rendition of that judgment when was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to those claimants, would you have known it? A I certainly could have known it.

Q Was there any such decision of the Court? A None to my knowledge, I can say positively there was not.

Q How many of these judges are now living? A Only one.

Q Which is Mr. Thompson.

Q How long has Mr. Wolfe been dead? A Jones and Wolfe are dead.

Q How long has Mr. Thompson been dead, do you know? A I do not know.

quite a number of years. I can't living there, never lived near them when their death occurred, and their death occurred perhaps a long time before I got knowledge of it. It is generally understood that they are dead.

Q Do you describe to me such any other part of the law as  
family about the court at that time than Mr. Duncan? A I have  
been thinking, and I can't call to mind that I ever saw any other  
Duncan except Dad, until after they were into the country subsequent  
to the rendition of the judgment.

(At this point a party who has been sitting in the room,  
in which the examination is being held, is called forward,  
sworn on behalf of applicants, and asked to retire until called.)

BY MR. HUTCHINGS:

Q Mr. Duncan, when did you become clerk of the Texas Commission  
Court? A It just have been somewhere in December, 1884, at the  
time the Commission was organized immediately at the close of the  
Council in which they were appointed.

Q December 1884? A I think so.

Q What are you doing rendering judgments here in your handwriting  
in 1883? A The Commission held its court after they were elected  
somewhere.

Q The Court was elected in 1881 wasn't it? A Well, I don't know that,  
I don't pretend to say when the Court was elected, I might have  
said at the time I was chosen clerk, I was chosen clerk just at  
the close of the session of the National Council of that year.

Q '84? A I think it was '84.

Q You entered on this judgment rendered January, 1883? A Yes,  
that was the session of the Commission.

Q That was before you were clerk of it? A Well I held my clerk-  
ship for some time you know continuously.

Q Well but when you refer to that you were their clerk when the  
day on case was passed on? A No, I don't mean to say that.

Q How could you be clerk when the day on case was passed on in  
1883 when you were not elected until 1884? A I am mistaken in  
that, '84 comes after '83, - it was the year preceding 1883, it must  
have been '82.

Q Your first entry in the Nelson case is January 13, 1883, isn't it?  
Q I don't recollect that my first entry was. (Attorneys show the  
record to witness) Yes, that is the entry there on that day.

Q And that was shortly after you became clerk wasn't it? A Yes,  
shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk?  
A I think so, yes; it was entered at the previous term of the  
session of the Commission.

Q In whose handwriting was the names of the three commissioners  
signed to that judgment? A Nelson judgment?

(Attorney shows record to witness again) A That is by handwriting.  
Q All three names? A All three names.

Q The record there shows that you immediately gave them that day  
a transcript of the judgment, do you know who signed that? A  
Signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did the writing?  
Q Signed the names to it? A Yes, that's it.

Q You always signed the names of Tokes and Wells didn't you?  
A I think I did pretty generally; I don't know of their attempting  
to write their own names.

Q When Mr. Thompson was there didn't he sign his own name? A Some-  
times he did, sometimes he simply authorized me to do it.

Q Have you any recollection of his authorizing you to do it  
except from the fact that you have done it on that court frequently?

A I can't recall the specific literal fact of authorization,  
but I can say positively that, consulting the record, that he  
authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and refer to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q What rule you were you were testifying at Visita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory: I recollected at that time, however, when I gave in my testimony before the Commissioner, Mr. Martin, that that was a practice of the Court at the time I served, by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the lockets and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it, and thinking over the circumstances, I think I should recognize my handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Tehen and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that there was a resemblance; what led me of the opinion that that might have been Mr. Thompson's signature was like this: I know that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I am such deceived—that his orthography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.







January and a September term; and this decision was rendered at the January, 1832 term. The Baker's testimony taken during the January, 1832, term, at the time this decision was rendered? A I find it impossible for me to recall all those facts that are recorded there; although I can see about that, that the record shows the correct statement of the facts; but I can't recall those facts.

Q Well there is a record here that this case was continued on the 13th day of January, 1832, until agreement that it should be taken upon the 4th day of October, 1832; your record shows that there was nothing done in the case from January 13th, 1832 until October 4th, 1832; would you say that was correct? A I should say it was correct if it so stands in the book; it is designed to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent your end of it at all. (Shows entry in book to witness.)

A I can't recall those facts in regard to the agreement.

Q Who took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the Nation? A As to that I don't recollect. He was present, he was always present; I think likely he was cross examined.

Q And that testimony was taken at the time when the judgment was rendered in January, 1832? A I think it was, by its position is to that effect.

Q Well the court seems to have had no session as to this case from January 13, 1832 up to October 4th, 1832, according to the record? A (No response.)

Q You don't recall taking down any other's also testimony in the case? A No sir, I don't.

Q And the probability is that he was the only witness examined isn't he? A It might have been so by recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 77 at that time? A Yes, he was quite old.

BY MR. KENNEDY:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 10th, 1832; is that correct as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Association, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I knew about this is as I stated before, I can't recall those facts, but whatever the record says may I say that the record was made correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't depend in reading that very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In taking the testimony you endeavored to get down all the material facts that you could in taking it in long hand? A Yes, very nearly word for word, as I could take it, so that as there was a little variation made necessary by the length of the witness' statement.

BY MR. MCKENNON: Applicant's object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

R. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. MCKENNON:

- Q That is your name? A R. F. Fortner.  
Q That is your age? A 34.  
Q You are a physician are you not? A I am.  
Q Where do you reside? A Vinita, Indian Territory.  
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Councils of the Indian Territory and of the American Medical Association,--those are some, and the most important positions I held at this time.  
Q Are you a Cherokee citizen? A I am.  
Q By blood or intermarriage? A Inter-marriage.  
Q Your wife is a citizen? A Yes, sir.  
Q Do you know D. W. J. Driscoll? A I do.  
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.  
Q Do you know his general reputation in the community where he resides for honesty and upright character? A I do, I think.  
Q Is that good or bad? A It is good.  
Q Do you know Campbell Taylor? A I do.  
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.  
Q Do you know his general reputation for truth and veracity? A I do.  
Q Is that good or bad? A It is bad.

BY MR. EASTINGS:

- Q Mr. Driscoll belongs to the same church you belong to? A Yes, sir.  
Q And has for a number of years? A Well now I say I think he does; I have always so understood.  
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.  
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.  
Q You was not at Tahlequah while he was clerk of a Court from 1882 to '83? A I don't believe I was.  
Q Never had any business before that Court? A Had no business before them, not while he was clerk to my knowledge.

BY MR. MCKENNON:

- Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.  
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. EASTINGS:

- Q I will ask you if it was notoriously bad in 1883, when those people employed him to represent them before the Court? A That was before...

Q But so far as you know his bad reputation dates back so far as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Miller.  
Q What is your age, Mr. Miller? A 61.  
Q Where do you reside? A Vinita.  
Q How long have you lived there? A Well I have lived there altogether about 17 years I guess, or 14.  
Q Are you a citizen of the Cherokee Nation? A No, sir.  
Q What is your business? A Real estate and insurance agent.  
Q Do you know Dr. W. C. Duncan? A Yes, sir.  
Q How long have you known him? A I have known him twenty years.  
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.  
Q Is that good or bad? A It is good, so far as I know.  
Q Do you know Campbell Taylor? A Yes, sir.  
Q How long have you known him? A Well I have known him 13 or 20 years, I guess.  
Q Do you know his general reputation for truth and honesty? A Well yes.  
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

F. H. CURTIS, being first duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A F. H. Curtis.  
Q How old are you, Mr. Curtis? A '66.  
Q Where do you reside? A Arton, Indian Territory.  
Q How long have you lived in the Indian Territory? A 20 years.  
Q What is your business? A Lumber business.  
Q Do you know Dr. W. C. Duncan? A I do.  
Q How long have you known him? A About 20 years.  
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.  
Q Is that good or bad? A As good as any man's.  
Q Do you know Campbell Taylor? A I do.  
Q How long have you known him? A Some 20 years, I suppose.  
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.  
Q Is that good or bad? A Bad.  
Q Is it notoriously bad? A Yes.  
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I know him in '68 and '69.  
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.  
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.  
Q Is that good or bad? A Good sir. Good as any man's he is a good Christian gentleman.  
Q Did you know him well enough to know his habits of life? A Yes sir.  
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in his life.



Q Was his character such as to preclude any such charge against him?

A It was, yes sir.

BY MR. HUTCHINGS:

Q How long did you know Dr. Baker? A Two years.

Q What does he do there? A He was an old gentleman then, he lived right in the edge of Berryville, Dr. Baker.

Q How old do you think he was then? A I think it must have been 65 or 70 years old; an old gentleman.

Q That is in '18 what, 60? A No sir, it was in '68 and '69, the two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he had, I was well acquainted with the old gentleman.

Q He wasn't doing any business with anybody? A No sir.

Q And his character was never called in question one way or the other was it? A No sir, no sir.

Q Campbell Taylor was a notorious racial protay such ever since you ever knew him wasn't he? A Yes sir, I never knew much good of him.

Q And whenever a man got a bad citizenship case he got Campbell to work it, because he was notoriously a racial; that's it ain't it?

A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would get him, it would sort of give a case a bad odor to have Campbell around it? A Yes, that would be right.

Q You never knew anything about Mr. Burman's connection with citizenship matters? A No sir, never did.

Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Deason case? A Yes sir.

Q Rumor had it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That rumor got out from the first day they were whitelisted right up to the present? A Well I don't know not from the first day, I have heard it for a good while though.

Q But you never knew who they fixed it on? A No sir.

Q They have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Got a good many votes up there? A Yes sir.

Q Had you ever know of the Doctor's testifying any in court, Dr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that he knew a girl that was single in 1825 when the youngest of her seven children

was born in 1823; what would you think, would you think that was a statement to be made by a man who was truthful? A -

BY MR. MCKENNON: Applicants object to the question because it is wholly incompetent, and not based upon any proved or admitted facts in the case, and it is wholly immaterial and incompetent.

Do you think that was a statement that would be made by a truthful man? (No response.)

Q You knew him in '68? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, '68 and '69.

Q 14 years from that time he was liable to be in his dotage?  
A I don't know, he was an old man when I knew him.  
Q He was too old to work, and retired from business then? A Well he did not do a good deal, but wasn't doing any business particular that I knew of.  
Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. H. MARRS, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A D. H. Marrs.  
Q What is your age, Mr. Marrs? A I am 44.  
Q What is your business? A I am publishing a newspaper.  
Q What paper? A "The Indian Champion."  
Q Are you Editor of that paper? A Yes sir.  
Q You live at Vinita, then? A Yes sir.  
Q Are you a citizen of the Cherokee Nation? A Yes sir.  
Q By blood or intermarriage? A Intermarriage.  
Q Do you know D. W. C. Dawson? A I do.  
Q How long have you known him? A 10 or 12 years.  
Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.  
Q Is that good or bad? A Good.  
Q Do you know Campbell Payton? A Yes sir.  
Q How long have you known him? A Why 15 years or longer.  
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.  
Q Is it good or bad? A Well it is not good.  
Q Is it bad? A Well I suppose it must be bad then.

BY MR. HUTCHINGS:

Q How long has Campbell's reputation been bad, Mr. Marrs, quite a good while, hasn't it? A Why I think so, yes sir.  
Q And it kind of began mostly with this citizenship business?  
A Yes, so far as I know it did, yes sir.  
Q Campbell got so many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.  
Q And some of that stir was sort of occasioned by his helping the Dawsons in wasn't it? A I don't know, I don't know whether he helped the Dawsons.  
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.  
Q That was the principal thing that concerned the firm Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.  
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.  
Q Now Mr. Dawson's connection with the Dawson case sort of been kept back; people never talked much about it? A I never heard anything about it, as I know of.  
Q You have heard that there had been something wrong about the Dawson case, that has been a notorious thing? A Oh it has been a notorious case, yes sir.  
Q Well the fact of Mr. Dawson's reputation for straightness has been somewhat even on himself, he confessed it frequently? A How is that?

Q His reputation for straightness is somewhat given by himself; he takes occasion to confess that very often himself; doesn't he?  
A I don't know whether I am qualified to answer that.  
Q Speaking of his own honesty, he does that very frequently?  
A No sir, not that I know of.  
Q Doesn't he write a good deal about that sort of thing? A About his reputation?  
Q Why in speaking of his own integrity? A I don't remember that he does.  
Q You were not about the citizenship courts along in 1881 '82 and '83 were you? A No sir.  
Q Don't remember about the talk that was going on around the Capital over there about the citizenship cases? A Yes, no, don't remember anything special as I know of. I remember the citizenship court going on at different times.  
Q How far were you living from Tallahassee in '87? A Well, I lived close to Vinita, I guess it is sixty miles probably.  
Q Have you lived any nearer Tallahassee since that time? A No sir, never have.

H. L. BUTLER, being first duly sworn and being examined testified as follows:

BY MR. MCKENNON:

Q What is your name? A H. L. Butler.  
Q You are a minister of the Gospel? A Yes sir.  
Q M. E. Church, South? A Yes sir.  
Q How long have you been in the ministry? A I have been in the ministry 23 years, sir.  
Q Did you ever live at Vinita? A Yes sir.  
Q How long? A I was there four years, sir.  
Q Do you know D. C. Duncan? A I do.  
Q How long have you known him? A I have known Mr. Duncan 21 years.  
Q Do you know his general reputation for honesty and uprightness of character? A I do.  
Q Is that good or bad? A Good, so far as I know.  
Q You have had opportunity of knowing? A Yes sir.  
BY MR. HUTCHINGS:  
Q Mr. Duncan was a member of your church? A Yes sir.  
Q That is the principal way you had of coming in contact with him?  
A Yes sir, he was a member of my official board.  
Q His connection with citizenship cases that were decided by the court of which he was clerk was never brought up in your presence anywhere? A No sir.  
Q Or never discussed? A No, sir, I know nothing about the connection with it.  
Q You didn't live about or near Tallahassee in '87? A Yes sir, I was pastor of the Methodist Church in '87 at Tallahassee.  
Q Did you hear about the Dawson case, or other cases admitted over there by the citizenship court? A No sir, I know nothing about the cases; I don't remember when the Commission was in session, and in order that he was clerk of the Commission, but knew nothing about the cases that were decided at all.  
Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. McKINNON:

- Q What is your name? A Thomas A. Chandler.  
Q What is your age, Mr. Chandler? A I am 70.  
Q What is your business? A Deputy Clerk of the United States Court at Vinita.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Do you know B. F. C. Hudson? A Yes sir.  
Q How long have you known him? A Let me see, I have known him about nine or ten years.  
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A Yes sir.  
Q Is it good or bad? A Good so far as I know.  
Q Do you know Campbell Taylor? A Yes sir.  
Q How long have you known him? A I think about 15 years.  
Q Do you know his general reputation for truth and honesty? A Yes sir.  
Q Is it good or bad? A Bad so far as I know.

BY MR. HUTCHINGS:

- Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.  
Q You never knew him until 1887? A Well I never knew him personally, I heard of him before that.  
Q He had a bad reputation before 1887? A Yes sir.  
Q Bad reputation way back yonder? A First I remember I ever heard of him I heard people speaking bad of him, when I was a kid.  
Q And everybody that came around the Nation and heard anything at all about Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80, I think that's about the time.  
Q Mr. Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.  
Q You heard him spoken of as rascality and using the mails for those business? A Yes sir, I heard of him being in the Fort Smith Jail on that account.  
Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.  
Q And I also heard he had a bad reputation for owing his debts, also about the same time.  
Q You don't know whether or not the money, he might not have had the money to pay his debts? A No sir.  
Q He could have kept out of bad citizenship cases? A Yes sir, I am sure he could.  
Q You never heard Mr. Hudson's name mentioned before in connection with the Dawson case, citizenship cases? A No sir, I can't think I have, I may have, but I don't remember hearing it.  
Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Dawson citizenship case.  
Q That has always been in notoriety ever since they heard anything? A Yes sir, I have heard it talked around over the country that such was the case.  
Q They had a pretty large volume of time and the matter was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q So they never had any endeavor to find out who the witness was?  
A No sir.

Q Where did you live in '83? A In '83 I lived out on Dick Creek about 12 miles south-east of Vinita.

Q How far from Tulequah was that? A About 65 or 70 miles, I suppose.

Q You never were around before the citizenship courts any during that time? A No sir.

Q You don't know then whether or not Campbell had lost all the bad cases or not down there? A No sir, I do not, at that time.

BY MR. MCKENNON: Applicants object to all of the testimony of this witness as to what he heard by way of rumor, about the character of the person case, because the same is hearsay, immaterial, irrelevant and incompetent.

A. S. MCKENNON, of Counsel for Applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1890. I was intimately acquainted with Doctor Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, so recognized by everybody who knew him. He was a sober man, and never drank liquor. I make this statement now in vindication of that good man's character for any other reason, because any imputation against his character is false.

BY MR. HASTINGS:

Q How long did you know him? A I resided in Carroll County until 1897 when I removed to Johnson County, Arkansas; during the time I was away from home, but I know him intimately every year that I resided in Carroll County.

Q Did you know him since '87? A Yes sir, I have seen him several times. I have relatives living in the town in which he lived; by relations to him, were such as to cause me always to inquire about Doctor Baker; I knew his reputation I think as well after I left there as I did when I lived there.

Q Did you know those facts in 1896 when you were a member of this Commission? A Yes sir, I have known them all my life as I know them now.

Q Did you know them when you as a member of this Commission passed on the Irene J. House case? A I knew it every day of my life, in 1896 as well as now.

Q Suppose that Doctor Arthur Baker's statement should appear that he was born in the year 1808, and suppose he said when he was 15 or 16 years of age that Ann Pruett the wife of Samuel Dawson, was a grown up girl going to school, when the other undisputed evidence shows that she had married Sam Dawson prior to that time and had seven children, the youngest of them was born in '33, how would you harmonize that with a man who was an honest man and knew the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong; whether it was error or truth, he honestly believed it, and stated it as he believed it.

Q He was capable of being in error? A Every man is.

Q I say he was? A Yes sir, just as you and I and every man, he was; I merely stated as to his high character, which could be proved, by every man who knows him. I think, I know it.

Q The Commission rejected Irene J. House in 1896, of which you were a member? A I can't remember anything about that personally.



TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A David Meredith.  
Q Where do you reside? A Vinita.  
Q How old are you? A 60 years old.  
Q Did you ever know James Dawson? A Yes sir.  
Q How long have you known him? A I knew him probably 2 years.  
Q Did you ever have any talk with him about his citizenship case.  
A Very little.  
Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.  
Q Well what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.  
Q Where did that conversation take place? A At Atton.  
Q At what time? A It was in '88, spring of '88.  
BY MR. MCKENNON:  
Q Where were you when he told you that? A I was working on a house in Atton, building the house.  
Q Whose house? A S. S. Haines.  
Q Who else was present? A Haines was present.  
Q Where is he? A At Atton.  
Q What age was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.  
Q Was he not a very feeble man? A Yes sir.  
Q Hardly able to get around? A No sir.  
Q Was he not then regarded as feeble indeed old man? A I don't know whether he was so regarded or not.  
Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through; attorney's fees, etc. That is the way I took it anyway.  
Q You were an applicant yourself were you not? A Yes sir.  
Q When? A At that time.  
Q Before the Cherokee authorities? A Yes sir.  
Q They rejected you? A Yes sir.  
Q You were an applicant then before the Dawes Commission were you?  
A Yes sir, been rejected ever since.  
Q Are you still an applicant? A Yes sir.  
Q Still trying to get in? A Yes sir.  
Q Claiming by blood? A Yes sir.  
Q How long have you been living in the Cherokee Nation? A 15 years.  
Q Where did you come from? A Indiana.  
Q Claiming to be a Cherokee citizen? A Yes sir.  
Q Indian? A Yes sir.  
Q James Dawson is dead is he? A Yes sir.  
Q How long has he been dead? A I think he died probably within two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. M. DAWSON, being recalled and further examined, testified as follows:

BY MR. MCKENNON:

F. M. Dawson? A Yes sir.

- Q Mr. Lawson, what member of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?
- A My brother from Texas got to at Tallahassee.
- Q Tell his name? A Elbert Dawson, they all know his by nick.
- Q When was that? A In '81 or '82 as I remember, or '82, I don't know which, it was in '81 or '82.
- Q Did you file your claim at that time? A My brother did, yes, the application, my brother had Joel Hayes to make it out and file it. That is my understanding.
- Q Joel Hayes, who afterwards was chief of the Cherokee Nation?
- A Yes sir.
- Q Before what court was that filed? A My understanding is he was clerk of the court; Hastings can tell me what court he was clerk of.
- Q He was clerk of the court at that time? A Yes sir, of the citizenship court; that's my understanding.
- Q That was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
- Q Where did you then live? A I lived at Berryville, Arkansas.
- Q When did you next come to the Cherokee Nation? A I believe I come back the next January, that was in September.
- Q Was your brother Buck here then? A I don't think he was, I don't remember.
- Q Well had he at any time of the court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never set his any more until that case was decided.
- Q You conducted the business then after that did you not? A Yes sir.
- Q The case was finally determined in January 1883? A '83, yes sir, the 11th day as I remember.
- Q Were you present at that session? A Yes sir.
- Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
- Q Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawson Commission the only judgment that was rendered in that case so far as you know?
- A Yes sir, so far as I know, if there was any I never heard of it in that case.
- Q You then know of no decision against you in the case? A No sir.
- Q Who was your attorney employed at the beginning? A I employed A. E. Norwood.
- Q Was he a Cherokee citizen? A Yes sir, I think so.
- Q Where did he live? A At Claremore, my understanding.
- Q Was he present at any time before the Commission? A I never saw him, he never got to there before the Commission.
- Q Did you pay him any money? A Yes sir.
- Q How much? A Fifty dollars.
- Q Did he ever render any services? A If he ever did I never knew it.
- Q Well then who did you employ? A My brother employed Joel Bryant.
- Q Was he a Cherokee citizen?
- A That is my understanding.
- Q Was he not a prominent Cherokee citizen? A Yes sir.
- Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he got up a time or two at Tallahassee and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the Term down there.

Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would see to my claim before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Tell what did you do then? A Why when the time came I come down on the day to Muskogee here and I goes over from here to Fort Gibson and I goes down to see Uncle Houston Henge and stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Henge come over and the next morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, actin' on the case.

Q Was Houston Henge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the Commission? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to set up the cigars to the court and the crowd in the house; after the decision was rendered then I was to set up the cigars, and everybody come to me and told me to go and get the cigars and I done so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.

Q What did you do about it then? A Was the Clerk wrote me out my certificate.

Q That was that day? A That same day.

Q What arrangements did you make with Mr. Henge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay, he charged me fifty dollars, that was his fee.

Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.

Q Were you to write or was he to write? A He was to write for it.

Q Did your brother in Texas ever pay his fee of fifty dollars?

A Yes sir.

Q Was that all that was to be paid? A All he was to have; all he charged me.

Q You heard his statement when he gave his decision at Fort Gibson the other day did you not? A Yes sir.

Q Did you see any other people there? A No sir.

Q Did you see any other people there? A No sir.

Q He said that you paid him fifty dollars after he got over to Tablequah, did you do that? A I never paid him a cent in my life.

Q After that judge was rendered? A Did you see him? A I went to Ark. was.

Q By what route? A I went by Silo Springs and on by Spring Dale and then on to Peters, took the railroad there and went on by Seligman and by Table Springs home.

Q You then did not return to Fort Gibson with Louis Deje, is that correct? A No sir, I did not.

Q The day you returned by way of Fort Gibson? A Well I thought maybe the others was the cheapest road and struck a hack going out by Seligman when I was boarding it, I could go to Silo Springs and I went by that route and then there was a hack going by Spring Dale, that was the best direct route.

Q That was the best direct route from your home was it not? A Yes sir.

Q All the cheapest? A And the cheapest route.

Q Had you been going back to Fort Gibson you would have been going directly over from he called you not? A Yes sir.

Q Your home was nearly east, the east of Tablequah was it not? A Yes sir, little north of east, pretty near due east.

Q While Fort Gibson is almost due west is it not? A Southern.

Q You heard his statement that you went to Fort Gibson with him, and as you came you stated to him that it was to reach the court through Muskogee and you reached the court through Okfuskee with five hundred dollars, did you state that to him? A I never did, I didn't have the five hundred dollars to reach him.

Q Did he while at Tablequah in the court room on two evenings before this judgment was rendered in your favor, tell you what the court had rendered a judgment against you? A No sir.

Q And did you then say to him, you know, six that? A I had no such conversation with him.

Q Did you pay to B. W. G. Mahon, who was the clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.

Q Or for any other purpose? A No sir.

Q Did you pay him any money after that through Campbell Taylor? A Yes sir.

Q That amount? A 20 or 25 dollars. I don't know which it was.

Q State what that money was paid for? A For a claim.

Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to 10; paid him 20 or 25 dollars for his claim he had up there by me, on the Cherokee public domain.

Q What did Campbell Taylor have to do with your case? A He had nothing to do with it.

Q Did you agree to pay him any money for his services as an attorney? A No sir.

Q Did he perform any services in that case for you as a representative of Mr. Bryant? A No sir.

Q Did you pay him any money? A Yes sir.

Q On what account? A He went to the court and he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.

Q What amount? A Hundred dollars.

Q How did you get that money? A I went to Joel Bryant, he was collecting it for Joel Bryant.  
 Q Did he give that money to Joel Bryant, did he collect it? A Joel Bryant claimed he didn't, and he had to go back again, paid Joel Bryant the hundred dollars we made for his case. E. Davis paid Joel Bryant; after that we never could get the money from C. Bell Taylor, and this twenty dollars or twenty-five dollars; and in all we ever got back from him.

Q How did you get that 25 dollars out of D. W. Duncan? A I kept after him and telling him to pay that money back to me, he rendered no services to me at all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.

Q The amount that he paid to Duncan? A Yes sir.  
 Q Was this money paid to him, this one hundred dollars, while you were there at the time the judgment was rendered, or was it sent to him afterwards? A I think it was paid then, as well as I remember about it.

Q You think it was paid then? A Yes sir, what's my recollection now.

Q Did you send him one hundred dollars after you got away from there, subsequent to the rendering of that judgment, after it was rendered in your direction for the fifty dollars of that or any other sum to D. W. Duncan? A No sir.

Q Did you send him a check or hundred dollars with a check directed? A No sir.

Q Mr. Davis, did you have to borrow it out of your family in order to obtain this citizenship in the Grand Nation under this judgment? A Pretty near it I do.

Q Well about what sum? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was bent out of some of my money, what I was bent out of and expenses.

Q Not make a statement of what that money was paid for and how, so far as you know now, at this time? Well the first fifty dollars Howard got; the next fifty dollars we got; that was the attorney's fees; I speak of the attorney's fees now; the next money was the hundred that Campbell Taylor got; the next attorney's fees was Bryant's one hundred dollars.

Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for taking Baker's deposition.

Q Which Ross was that? A The one called "Bill Ross" I think it is his name, William P. Ross.

Q He then, this Chief William P. Ross for taking the deposition of Dr. Baker charged you fifteen dollars? A Yes, sir.

Q Do you know by that that he acted as your attorney and examined him? A Yes, sir.

Q He examined him before the court, took his statements.

Q What other attorneys were there present? A None of them was present.

Q Well now, you say A For the expenses of taking Dr. Baker and Dr. Baker's doctor, he will not take a bar he charges 10 dollars a day and I was there and his expenses down there, we got a witness in a boat at Perryville, Arkansas, to Chicago, and we got on to the 14th of August, and all I think was about 75 dollars.

Q Did you hear it, have a little over that.

Q Did you pay him a fee? A I paid him five dollars a day for his time and then his expenses.



Q Well, A had made several trips out here in different times, to Tahlequah before the Commission, and back, three or four times as well as I remember now, cost of 20 or 25 dollars each trip, as I remember about it.

Q Do you remember now any trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and employed Menge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one or the other, I don't remember which it was; Joe Dawson, my brother-in-law, gave me the money, it was either 21 or 31 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, or any other that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Albert Dawson was better off than the others, Rich Dawson.

Q Do you know now which Buck Dawson paid of these expenses? A I don't think he paid, he paid the Menge debt and the Bryant debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that he came up on one trip and taken some evidence with Joel Bryant when Joel Bryant was clerk of the Court before this Texas Court, I don't know what that cost him.

Q Came up he said took some testimony? A Yes, came up and went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told us they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.

Q He had taken the testimony before you left him or afterwards?

A He taken it afterwards; that was my understanding.

Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.

Q And the expense of taking these witnesses up there? A Yes sir.

Q Who else furnished money now of the members of your family?

A My brothers and father lived down in Berryville, Mo and my brother-in-law, Blessingame, we all chipped in together a few dollars from each family.

Q You heard the statement of C. C. Brought that in June 1863 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.

Q And that you paid one witness 300 dollars? A I never made any such statement.

Q How much did you get for it? A No sir, I paid Dr. [unclear] for it, he paid me five dollars a day, [unclear] I paid it.

Q Did you get any more money for it than that? A No sir, he was the only witness I had there in the case.

Q Well, the Robert Dawson's son? A Yes sir.

Q He says that he sold you this in your house there on your place, did you have any house there in June 1883? A I was not living on that farm at that time.

Q Did you have any farm? A Didn't have any.

Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1883, and I camped in my wagon.

Q What did you do? A I went to the timber and cut poles and I let them out and made a log cabin on the place for a spring, near Mr. Brought.

Q About what time did you finish that house? A I was in some [unclear].

Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Pureka Springs after my wife.

Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.

Q Are you and G. G. Brought on good terms? A No sir.

Q What has been the character of the trouble between you? A Trouble over our places first started it.

Q When did it begin? A As soon as I got back from Arkansas he cornered kinder crowding me out to take my farm away from me, and he have been in a racket ever since.

Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it ain't correct.

Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.

Q Have you had law suits with each other? A Yes sir.

Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.

Q That was your last trouble with him, when I mean? A Along last fall.

Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.

Q What was the age of those boys? A Eleven years old.

Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.

Q He was discharged on account of his age? A Yes sir.

Q Nick Dawson is dead is he? A Yes sir.

Q How long has he been dead? A Three years, little over three years.

Q And James Dawson is dead? A Yes sir.

Q Is your father, Robert Dawson living? A No sir.

Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.

Q When did your father, Robert Dawson die? A I believe it was in '87 as I remember now, I won't be positive.

Q Had all these moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation and went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.

Q Robert Dawson, your father, never did move to the Territory, did he? A No.

Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a Negro church at night James Dawson came down there with someone else and introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.

Q He says that when James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.

Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.

Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.

Q About what age? A Just have been 60.

Q Between 60 and 70? A Yes sir.

Q That was the age of your brother James? A At that time?

Q Yes sir, in '84? A In '84 I suppose he was about 18, something like that.

Q Did he anything to do with the James Dawson case? A No sir.

Q Was he present at the time that the James Dawson case was under consideration? A No sir.

Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.

Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.

Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?

Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.

Q Were you acting with them? A Yes sir.

Q They employed Campbell Taylor? A Yes sir.

Q Then there was no James Dawson present during that session of the Commission? A No sir.

Q What was the condition of James Dawson's health at that time? A It was pretty poorly; was not good.

Q Was he at that time able to get about and attend to business? A I don't think he was.

Q Was he not a very feeble, indeed old man at that time? A Yes sir.

Q Regarded as rather a silly man was he not? A Yes sir.

Q Did he attend to any kind of business of the family at that time? A No sir, didn't.

Q What was his financial condition? A Pretty bad.

Q Did he have any money? A No sir.

Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.

Q Was that about all the property he had? A Yes sir.

Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.

Q How then after these judgments were rendered that members of your family removed to the territory, Cherokee Nation, I will say?

A Robert Dawson and family and James Dawson and family, that is, that and their children.

- Q Robert Dawson didn't move here? A No, I said except Robert Dawson.
- Q Did all the members of Robert Dawson family move here? A Yes sir.
- Q Except himself? A Yes sir.
- Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.
- Q She had never lived here? A No sir.
- Q Well all the members of your family, your father's family included in that judgment of the committee, rendered January 11th, 1897? A All but one.
- Q What was the name of that one? A Mine.
- Q A daughter? A Daughter of Robert Dawson.
- Q Your sister? A Yes sir.
- Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.
- Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.
- Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my neighbors.
- Q What are their names? A Katie Vernon and Verna Fishback.
- Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.
- Q That was in 1894, the Cherokee Council admitted, re-admitted, and they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names but except Vernon, it is not, Tob Robinson married the widow, a niece of mine.
- Q Now then you have any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three whom you have just named? A Yes sir.
- Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Hightough member of Council, got their draft or checks for the money.
- Q Have you got that copy of the act of Council admitting them?
- A Yes sir.
- Q Where is it? A (Produces papers.)

BY MR. WICKENS ON: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1886 by the Principal Chief." This act was approved December 31, 1891. Approval signed by Stephen Tance, Assistant Acting Principal- In this list appear the names of William R. Dawson for payment of \$17.90, and of Marion Dawson, for a like sum. Are these not the names of two of your sons? A Yes sir. (This paper above introduced, is filed and reads a part of the records in this case.)

Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q Where? A In 1894.

Q What was that? A Allowing them their strip money.

Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. McKEMMON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among these are members of the Missinger family, as follows: Jane, Elbert, Henry, James Ross Lemie, Pearl, A. G., Artie, Timmie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of \$265.70.

Q Were these members of the Robert Dawson family? A Yes sir.

Q Which one of the members of the family? A Jane.

Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.

Q And her children? A Her children, was not admitted, she was admitted.

Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was

to Cherokee citizens by blood only or not? A Yes sir.

Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.

Q When was that? A That, I think it was in '84.

Q Have you got a copy of that act? A No, the record is here.

Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. McKEMMON: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1890 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. McKEMMON: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children, )  
No. 181. )

Lula Fauthhitt, )  
Dallas Dauthitt, )

vs  
The Cherokee Nation. )

( C. H. Taylor,  
Att'y for Claim. )

( Petition filed September  
14th, 1883. )



Case submitted by claimants Sept 14th, 1887.  
Case submitted by Solicitor, Sept. 19th, 1887.  
Continued by Petitioner Jan 23 1884 to September Court  
1884.  
Re-submitted September 2nd 1884, by Aloys Taylor and Bevert  
submitted by defense Sept 9 1884.

And now on this the 13th day of September 1884 comes this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Douthett and Dallas Douthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Will Spears, Secy.  
John Lee,

John L. Adair, Andrew Young,  
Clk Com'n. Commission on Citizenship.

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?

A I don't remember of any others.

Q I will ask you if when the Cherokee authorities were called on to make the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?

Q No, before the Cherokee Commission making the roll of 1896, of which John T. Guter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of what at that time; this is what I understood.

Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1837 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.

Q Yes and all the members of your family are living in the Cherokee Nation? A Yes sir.

Q You have all drawn Cherokee money whenever payments were made? A Yes sir.

Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.

Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.

Q I. what year was that? A I believe it was last spring now time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.

Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Belgrave District, I was a candidate once for Council in the Downing Party.

Q How many of the Cherokee people were the extent of the recognized tribe? A Only the citizens, yes sir.

Q Is that all? A (Sighs).

Q Now the child of the deceased, as you have stated, that child, namely, the one who was named, was she, is, sir.

Q Have they been called upon by the court to the jurisdiction of the court of the Cherokee Nation? A Yes sir.

Q Have they been tried for any offenses against the law? A Yes sir.

Q And have they instituted their civil suits in the court of the Cherokee Nation? A Yes sir.

Q And had suits instituted against them in such courts? A Yes sir.

Q Some of these suits have gone to the courts of the Cherokee Nation? A Yes sir.

Q And were called upon by the court? A Yes sir.

Q Is there anything else? A Nothing more, I am afraid, because I have got a head-ache so bad I can't hardly see.

BY MR. WITCHINGS:

Q Now all the four sons, Robert Dawson, has he died? A I don't know, I couldn't answer that.

Q He was a very old man? A Yes sir, he was getting old, really old.

Q How old would you tell him to be older than that you? A No I don't know.

Q Mr. James Dawson in 1834 must have been a very old man, didn't he?

A Well he was old and he was feeble.

Q Well you stated that he had been so silly; was he naturally that way? A He used to live in Texas; I didn't know him until after

he came to the Territory.

Q I say he had gotten so old, that was the occasion of that?

A I suppose so, the oldest one of these children was Mrs. Betty

Patton, that's my understanding.

Q And the oldest boy was John Dawson? A He always called him Jack.

Q Did Dawson he was the oldest? A Yes sir.

Q Sam was the youngest? A Sam Piley.

Q He was the youngest one of the crowd? A Yes sir.

Q Your father lived four or five years after he and you were

admitted to citizenship? A Yes sir, something about that, it was

in 1837, I think he died in 1837, I won't be positive; that is as

best as I recollect now. I have got a headache so bad that I can't

remember anything.

Q Now none of the other members of the family were ever present

at any of these trials of citizenship? A No sir, not a one of

them was.

Q Now a one of them was ever called upon to testify as to the blood

of their mother, the one was or anything about it? A I don't

think they was.

Q Your claim of kinship was through Captain John Rogers and that

your grandmother was the half sister of his Joe Vann, wasn't it?

A I don't know, I couldn't answer the question.

Q You were there when they took the testimony? A I was there when

Dr. Baker's testimony was taken, that was about 10 years ago.

Q And nobody kin to the Rogers and Vann was ever called to

testify in the case? A Not as I know of.

Q They were very well known Cherokee families in the country?

A I suppose so, I don't know.

Q And yet nobody on any side of the family connected with it was

ever called to testify? A Not that I know of, I don't know

what my brother done, he taken some of the evidence at Tahlequah

when I was not there; he first filed his claim.

- Q You had spoken to Dr. Baker about the testimony before you brought your case didn't you? A No sir.
- Q Must have been a short time afterwards? A It was a short time afterwards. I went back after and it was too late and I fetched him the next time.
- Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
- Q You had told him in general way you expected to use Dr. Baker as a witness? A Yes sir.
- Q You went off, came to Arkansas and left your brother at Tallahassee after you told him that fact? A Yes sir.
- Q You didn't see your brother any more until after you were admitted? A No sir.
- Q You and he however made trips back and forth to Tallahassee and home at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.
- Q But you were there and brought Dr. Baker over? A Yes sir.
- Q And took his testimony a year or more or rather before ever you were admitted? A I think as well as I remember, yes sir.
- Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
- Q The way he came into your case? A The way he claimed to come in.
- Q He did more in your case than Bryant did? A Campbell didn't do anything.
- Q That did Bryant do? A I think he helped my brother take evidence my brother employed him.
- Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.
- Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
- Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
- Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.
- Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
- Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.
- Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Low and Bill Jackson got him; that was my understanding of who employed him.
- Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.
- Q You say he was employed in the E. Dawson case? A I don't know who was in the DeBartlett children's case.
- Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Benwert, who testified a while ago? A That was in the James Dawson case, wasn't it?
- Q That was in the E. Dawson grand-children? A Elbert?
- Q No, in the DeBartlett children's case? A Oh yes.

Q He was likewise attorney in the Navy Department, and was for the Adair court, the 4th of October, 1867, in the case of James K. P. Dawson? A I don't know anything about that.

Q And the case likewise of Wiley Dawson? A I don't know anything about those.

Q They are relations of yours? A Well I don't want to say.

Q James K. P. Dawson proves to be a son of Wiley Dawson? A Well if he is he is by connection then. There are no other Dawsons I don't know that all.

Q You know Andrew J. Dawson? A Yes sir.

Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.

Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.

Q He refers in his application as being a cousin of the applicant and your self, who were admitted to citizenship by the Federal Court?

A He may be, I don't know nothing about it.

Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about that people.

Q Clemon Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.

Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his limbs.

Q Then he was not paralyzed? A No, I brought him over from Arkansas back from Berryville, Arkansas.

Q Well I say he was a very old man? A Yes, getting old.

Q Now didn't you come to this place when they joining together and work on it some time before you bought your family? A No, I brought my family with me, except my wife.

Q And you subsequently built a log house on it? A Yes sir.

Q And went back and got your wife and moved her to the log house? A Yes sir, went to Florida and got my wife.

Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.

Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Wiley Dawson, and he was there.

Q In '60 sometime? A '62, I reckon, or '63. Some here along there, in time of the war.

Q How old a man was he at that time? A Pretty old man.

Q You never saw your grandmother, she died before she came?

A Yes sir, I never saw her at all.

Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.

Q I mean who first conceived the idea? A I first conceived talking about it.

Q And went down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.

Q About that time nearly everybody in Arkansas were tryin' to get some claim of kinship to Cherokee? A No sir, not at that time.

Q They were getting pretty thick in there in 1860? A Well in '62 and '4 and '5 I think.

Q How was excitement over there to get yourselves on the rolls? A Just got to be everybody; but it wasn't at the time we were admitted there was not such stir about the rights here.

Q Well the Watts had been admitted before that? A I suppose they had; there was not such excitement over the Watts claim at that time.

BY MR. HASTINGS:

Q You did locate your own with Sam Shables when you first came to Tahlequah in '01? A I think I did.

Q Your brother Buck Dawson stayed there also? A Yes sir.

Q Sam Shables lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard and but I have forgot them.

Q You don't recollect any name now? A I don't remember the name sir.

Q In the Irene House case and Joann Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear any certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of records?

A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel R. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning?

A Well I don't know, they claimed to be, I never let them to show them.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Miller Dawson case? A No sir, no; that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1890, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and come back and they told me about it.

Q You never found out that G. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I could neither be excuse for my part of it.

Q You were the man that had the loss to do with it? A I never employed him, I can say that.

Q You are the man that had gone to do with the records in my case and in my father's case.

Q Didn't you testify for your uncle J. Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.



Q Wouldn't he have to be in the presence of your citizens ship?

A Why not, but the young children.

Q Did the boy's name ever appear in the October 1893, after census?

A Yes sir.

Q C. H. Taylor, attorney of record, filed his petition? A He might have filed it for a while.

Q Well you hadn't at that time. Taken out with C. H. Taylor had you? A Why no, we never did have any trouble, only over his money, he never would give it back to me or give it to Bryant.

Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was not of good character.

Q Are you and Bryant, this man, he testified for the Cherokee Nation, on speaking tax of? A Hardly speak.

Q Does he refuse to speak to you? A So often he does.

Q Do you refuse to speak to him? A Yes sir.

Q Have you been speaking to him for the last two or three months?

A I have not spoke to him until I met him here at the hotel the other day.

Q First time you spoke to him since he had the boy arrested? A Yes sir.

Q When did he have the boy arrested? A About in the 10th or 11th of October, September I think.

Q When did Dr. Baker die? A I don't remember.

Q You don't remember how much older your father was than you?

A No, I don't know.

Q What is your age? A I will be 60 in May.

Q Then you were born in '42? A Yes sir, '42 according to the record.

Q Was your father as much as 25 years old when you were born?

A I couldn't say.

Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.

Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.

Q Your father was born, say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.

Q There are two girls older? A No, one of the girls I never saw.

Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.

Q Dr. Baker gives his age 73 in '82, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, what your grandfather Anna Pruitt, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandfather Anna Pruitt was the father of seven children, the youngest being born in 1827, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know what he made such statement as that, I don't remember about it.

Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.

Q You know whether they were old or young man? A They were old men like; slave fence, I not acquainted with him afterwards, and to be that good, at the Council you know I was there a good deal.

- Q That was the fellow that was on the Court? A Yes sir.
- Q He was afterwards assistant chief of the Cherokee Nation?
- A I think so.
- Q Steven Tense, that's the man you had reference to? A Yes sir, I think it was, I just knew the name; I had no acquaintance with him at all.
- Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember how they were admitted.
- Q Don't you know he did? A I think he did, as well as I remember.
- Q Were not you over there to his room? A I think I was.
- Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Tex., was in January Term of 1882 I believe, it was, as well as I remember about it.
- Q Well you didn't take any more testimony after Dr. Baker testified?
- A No sir, I didn't.
- Q But your case was not submitted or passed upon for a year?
- A I think it was, yes sir, as well as I remember.
- Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Blasingame came with us when we moved here, and went back and got his family and moved West Fall.
- Q Did he move his family here that same Fall? A Yes sir.
- Q That year as that? A In the Fall of '83 I believe it was, as well as I remember now.
- Q When did the Bulaska family come? A I think the girl and the old lady come in the next spring.
- Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time and her husband come back.
- Q Did she come back until after her marriage? A No, she was married when she come first.
- Q The last time? A She was married I think, she was married when she come out.
- Q How long has August Bulaska been a permanent and continuous resident of the Cherokee Nation? A I think he come there in the Fall of 1884 or 1885, I don't say which.
- Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
- Q When was that? A '85.
- Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
- Q Who is Arizona Albey? A That is my daughter.
- Q Did you bring her with you? A No no, when I moved.
- Q When did she come? A She come out in a year or two after I moved here.
- Q Was she married when you moved here? A No sir, she was not married.
- Q She was not married when you were admitted? A No sir, she was a child.
- Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
- Q What was his father's name? A Melvin Dawson.
- Q You know Jim Lowe's age? A No sir.
- Q Don't know how old he was in '83? A No sir.
- Q Was he grown? A I think so now.
- Q Married? A No sir.
- Q Married in this country? A Yes sir.
- Q Who is James H. Morgan? A Married one of the Jackson girls.

Q Where did they come to this country? A I think after they were admitted.

Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.

Q You know Gideon Graham? A Yes sir.

Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.

Q Did he come from Texas to Arkansas? A So I know, I don't know.

Q Did you know them in Texas? A I knew the girl.

Q You never knew them until they came to this country? A I never knew Gid.

Q When did you see him here? A I think they came here in the fall or winter of 1894 or '95.

Q He was married then? A I think he was.

Q Brought his wife? A I think he was, I don't know.

Q Did he have any children when you first saw him? A He came to my house and I never saw his family for—I don't know, for several years.

Q You understand he had a family? A Yes sir.

BY MR. McKENNON:

Q Did you hear to say '84 or '94? A '84.

Q Did you see Gid Graham in '84? A '84, let me see, '84 or '85.

BY MR. HASTINGS:

Q Did you see him in '85, are you positive on that proposition? A I think so.

Q Will you swear it? A No sir, I want positive swear it, but I think it was, and I remember on it was; I couldn't say positive.

Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.

Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.

Q They all drew money and all tried in the courts as long as we had tribal courts, were they not? A Yes sir, so far as I know.

Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.

Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.

Q Well I say there is nothing special about it? A No, I don't know if there is.

Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, I never knew him, when I saw him.

Q Mr. Will Ross did the examination of Dr. Baker? A Yes sir.

Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.

Q None whatever? A I don't remember any.

Q Tell you never had occasion to file any papers before Mr.

Duncan? A I got him to do some writing for me.

Q That? A Letters to my brother in Texas.

Q Buck Dawson? A Yes sir, E. Dawson.







Q What County? A Carroll.

Q How old is your father? A Not well.

Q Did Dr. Baker live at Newville? A Yes sir.

Q How long has your father had acquaintance with him for many years?

A Yes sir.

Q Did he know him sufficiently to be cognizant with his character and habits of life? A Yes sir.

Q Do you know Josephine Pierce? A Yes sir.

Q Where did you see her? A Robert Dawson's.

Q Is she the same identical person who is called Josie Pierce,

and Josie Dawson? A Yes sir.

Q Is there any other Josie Pierce or Josie Dawson or Josie King

Pierce or Josephine Dawson? A I don't know but the one.

Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.

Q Another second husband? A Was Kelly.

Q There was another Josephine Dawson wasn't there, Salaska's wife?

A Yes they called her Jos, I suppose that's her name, I couldn't be positive, that was Hile Dawson's daughter, August Salaska's wife.

Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. RUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.

Q You are how old you are? A 42.

Q 42? A I think so.

Q How many other children were there of your father and mother than yourself? A Three.

Q Which were they? A B. Dawson, Riley Dawson and Jasper Dawson.

Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.

Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.

Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.

Q Don't know what year he came to Arkansas? A Only from statement.

Q Well what did they say about it? A I think they came here sometime in '30.

Q You know whether your father was born in Arkansas? No, any of your grandfather's children were born there? A There was none

of him born in Arkansas according to history and according to what he always told me, they were born in Tennessee.

Q How many there in Tennessee, and all the other children were born on the Kansas River in Tennessee, before he ever came? A That is what I think, yes sir. But I'm not positive about that.

Q They were from Tennessee, but either Dr. Baker lived there or your father was there? A Don't know, but I remember that I was heard by father say that he was born in Tennessee.

Q In Tennessee or either he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.

Q Do you know the circumstances in the case of your father and your three other children? A No I don't.

Q Don't know the time that came in between you? A No I don't know that, I think it is about two years there.

Q That would make B. Dawson about eight years older than you, wouldn't it? A Yes sir.

BY MR. MCKENNON:

Q Did Josephine Pierre have a daughter who married J. C. Starr?  
 A Yes sir.  
 Q What was her name?  
 A I always known her by Dede Pierre. I don't know whether that is her right name or not.  
 Q What is Hoyle's name?  
 A John Hoyle.  
 Q She is the wife of Josephine Pierre who married John Hoyle?  
 A Yes sir.

BY MR. HASTINGS:

Q Where did she marry John Hoyle?  
 A Near Arden.  
 Q When?  
 A I don't know.  
 Q About what time?  
 A You have got a copy of the marriage license.  
 Q When did Josephine Pierre come to the Thomas Station?  
 A 1871.  
 Q Has she lived here continuously since that time?  
 A Yes until her death; she is dead.  
 Q Any of her children come with her at that time?  
 A Yes sir.  
 Q And have they lived here continuously since that time?  
 A Yes sir, except Bill Pierre, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

Q Your name is J. C. Starr is it?  
 A Yes sir.  
 Q Mr. Starr, was that instrument taken by you, or before you?  
 (Showing with the document.)  
 A Yes sir.  
 Q Where?  
 A At the residence of S. R. Benge near Fort Gibson.  
 Q When?  
 A On the 15th day of this month.  
 Q What day of the week was that?  
 A On Saturday.  
 Q Is that the day it was taken?  
 A Yes sir.  
 Q Did you go there on Saturday to take that?  
 A Yes sir.  
 Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was not it?  
 A It was taken Saturday, the 15th.  
 Q Was he mistaken or not?  
 A It was not taken then.  
 Q Then his statement made on Monday the 16th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?  
 A I think not, because I was there, and it was taken on the 15th.  
 Q And it was taken on the 15th, you are positive it was taken on the 15th?  
 A Yes sir.

Q Then of course his statement could not be correct?  
 A I was not.

BY MR. HASTINGS:

Q He was just mistaken about the date, wasn't he?  
 A Yes sir.

BY MR. MCKENNON:

Q Did you tell Charles T. Moore who is now present, on last Tuesday that they were to go and take that on Monday to take that?  
 A He said:

BY MR. HASTINGS:

Q I sent you there last Saturday?  
 A Yes sir.  
 Q And you went there at my direction, didn't you?  
 A Yes sir, and come back Saturday night.

ROBERT I. DAWSON, being first duly sworn, and being examined, testified as follows:

Q What is your name?  
 A My name is Robert I. Dawson.  
 Q How old are you?  
 A My age is something close to 30 years old.  
 I. A. S. 119

Q Are you a son of E. Dawson, commonly known as Mack Dawson?

A Yes sir.

Q I will ask you if you will examine this letter sent with the envelope and state whether or not you found that among the papers of your father after his death? A (Hands letter to witnesses who examine it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and he looked over them I saw this letter.

Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.

Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' Attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. MCKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BERGE, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Benge.

Q Are you a son of Samuel H. Benge? A Yes sir.

Q Do you know his handwriting? A I believe so.

Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.

Q To the best of your knowledge and belief is that his letter?

A Yes sir.

BY MR. MCKENNON: Now we offer it in evidence.

BY COMMISSIONER: (Reading letter)

Fort Gibson, C. N.,  
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,

S. H. Benge,  
Attorney at law.

Enclosed in envelope, as follows:

Card in upper corner, left hand:

"Return in ten days to C. H. Taylor,  
Attorney at law,

Tahlequah, Ind. Ter."

Addressed: "Mr. E. Dawson,



Henryville,  
Gray Co., Texas.

Postmarked: Tahlequah, Jan 21 1897.

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. MCKENNON:

Q Now, was the hat and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Bangs letter? A Yes sir.

BY MR. MCKENNON: This is a letter reporting to have been written by J. M. Bryan, to B. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicant's attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSIONER: (reads letter)

"Chouteau Station, Cherokee Nation,  
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 20th inst in regard to our contract.

After I had got the claim on there would be little more to do I suppose Campbell Taylor to answer for me when the case came up, for which I was to pay him 100 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him 100- and that you had offered him a check on a bank in Texas.

That 100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are a friend of the deceased work I done for you. Please write to me.

Very respectfully,

Very truly,

J. M. Bryan.

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A He, I don't know whether I know his age or not.

Q If you don't know you can't say. A I wouldn't say no person to know his age, what asked me his age, of course I don't know.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but that I never paid enough attention to it.

His name, being first duly sworn and being duly sworn and sworn to as follows:

BY MR. HUTCHINGS:

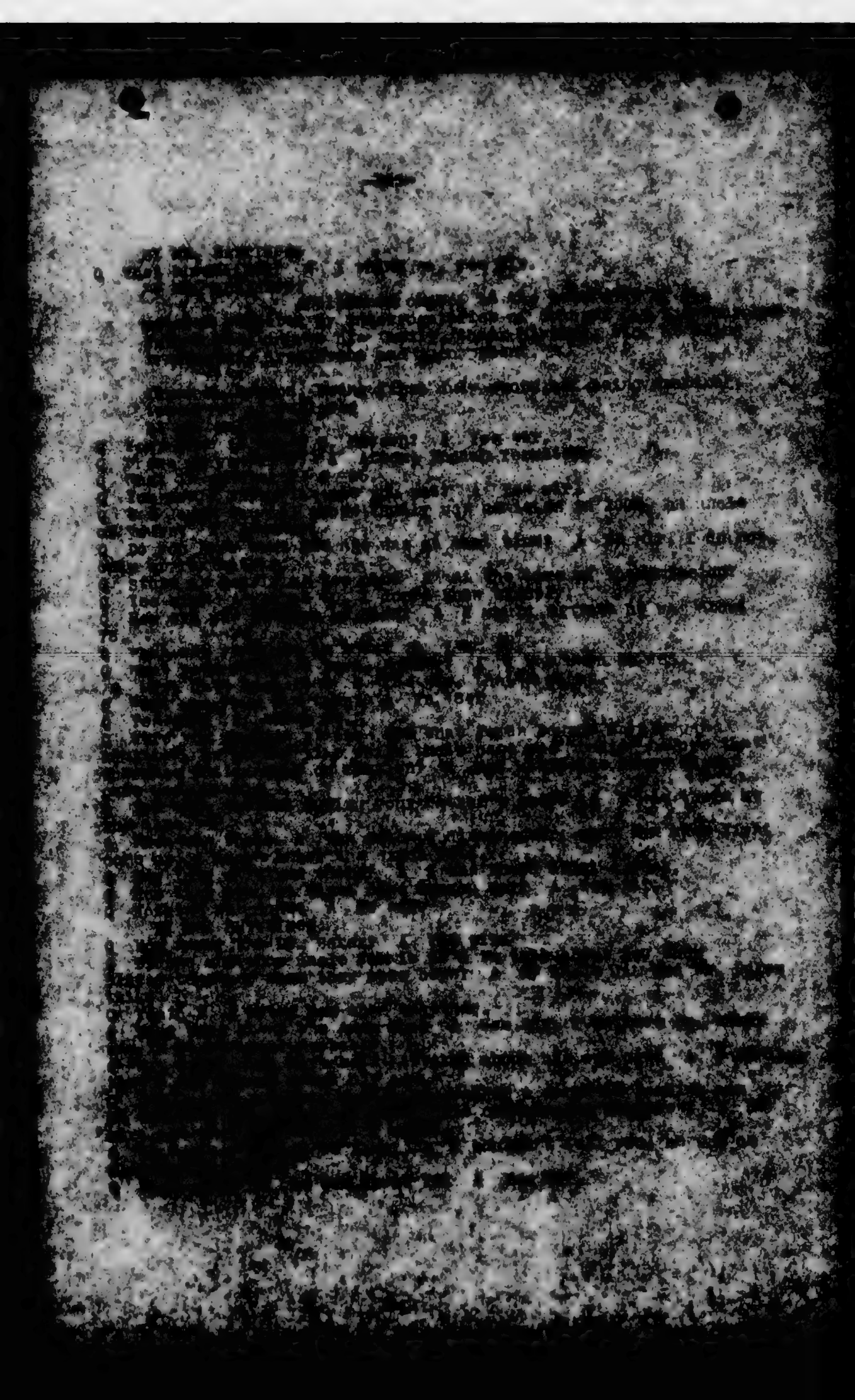
Do you swear that the above is true? A Yes, I do.















With reference to S. H. Bonge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. O. Starr over to S. H. Bonge's home in Tallahassee, Florida, on Saturday, March 15, in the U. S. District Court, and after depositions. I had heard that Mr. Bonge knew some important facts in connection with the Underhill case and I was told that I was to take that affidavit, and when Mr. Starr came back he told me that he knew some facts also in connection with the Underhill case, and I was surprised to find he had instead of me, and in the Underhill case, that he also had another affidavit in the Underhill case. That is the first information I had that Mr. Bonge knew anything whatever in connection with the Underhill case, and therefore he never voluntarily, either directly or indirectly, gave me any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not making anything else out of Taylor, and didn't want him to tell anything but the truth.

I want to say again that after he was on the stand and left that standing, and after Captain Robinson, or counsel for the Nation, had indicated his willingness for Mr. Taylor to testify, that he went over all of those facts that he testified in on the stand subsequent to that time in the presence of J. O. Starr in my office. I simply asked to go on the stand for the purpose of showing that Mr. Taylor had not voluntarily given me any information, and that he had made that statement for that purpose.

- BY THE COURT:
- Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to him.
- Q He did not testify simply upon your persuasion? A Yes sir.
- Q You knew he had been acting as an attorney for these parties?
- A Yes sir, I had seen from the record that he did too.
- Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the commission.

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

(signed) M. D. Green



Subj:

W. Jones  
Dry Plastic.





- D 351 By Francois M. Dawson, Sr., at Okmulgee, Indian Territory, on November 20, 1900, for the enrollment of his daughter Marcella Alfred and his grand-son William F. Alfred as citizens by blood.
- D 352 By Samuel E. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Kate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1900.
- D 353 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.
- D 354 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood; and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.
- D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dona, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902.
- D 422 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Sammie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.
- D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.
- D 573 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Lola M., Lennie E., Rosa E., Charles B., Mattie J., Jennings B. and James B. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.
- D 360 By Thomas F. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marilee F. Dawson as citizens by blood.
- D 530 By W. H. Dawson, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself and his minor child, W. H. Dawson as citizens by blood. On October 21, 1902, a ninth affidavit was filed for James W. Dawson, a second child of the applicant.
- D 355 By Robert Pierce, at Vinita, Indian Territory, on September



24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 5, 1902. On January 9, 1903, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471

D 472

By John B. Gray, at Vinita, Indian Territory, on September 28, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Una Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John E. Bogie, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Bina N., John E., Martin R. and Gladys Bogie as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 11, 1902, a birth affidavit was filed for Nancy Edith Bogie, born since the date of this application.

D 384 By Joseph E. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Bina A., Olan, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901, an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles E. Moore, at Vinita, Indian Territory, on October 10, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nellie, and his minor children, John, Walter, Clara, and Edna, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902, and at Muskogee, Indian Territory, on July 21, 1902. On January 9, 1903, an affidavit was filed showing the birth of Edna E. a second child of the applicant.





D 608 By Sarah J. Durson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 83 By John W. Graham, at Fairland, Indian Territory, on July 18, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Hiawari and his minor children Tom V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 18, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 838 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverne A. and his five minor children Ada R., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D1124 By Charles T. Brodshaw, at Muskogee, Indian Territory, on February 22, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Brodshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.

D1125 By Joe E. Ordway, at Muskogee, Indian Territory, on February



D 405 By Millie T. Duvon, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 23, 1902.

D 406 By Roxanna Buckley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her child Irene W. Buckley as citizens by blood. On August 27, 1902, an affidavit was filed showing the birth of William E. Buckley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 24, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Della F. and Finis T. Richardson and his other children, Sigar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper G. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 13 By Etta Bremer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 14 By Melissa A. Duvon, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 581 By Julia Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris G. Weddle as citizens by blood, and for the enrollment of her husband, Eiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 21, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 622 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

R 543 By Alonse W. Pinback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Levena A. Pinback and his minor children William A. and George A. Pinback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 12, and October 3, 1902.

D 717 By Albert A. ... at Claremore, Indian Territory, on October 24, 1900, for the enrollment of himself and his minor child ... as citizens by blood. On August 27, 1902, an affidavit was filed showing the birth of Alice A. ... a second child of the applicant.

By John E. Fishback, at Chelusa, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

By George A. Henry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary, and his minor children Ruby and George Henry as citizens by blood. Further proceedings were had in the matter of said enrollment at Muskogee, Indian Territory, January 18, 1901, and March 17, and October 18, 1901.

Proceedings were had in the matter of F. M. Dawson, et al., before John F. Martin, a Notary Public on October 1, 1900, and further proceedings were had therein before the Commissioner of Indian Affairs at Muskogee, Indian Territory on March 17, 1901. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1865, and Robert Dawson and his adult children, F. M. Martin, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, John Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Tribal Court", and that on September 9, 1864, and James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Mollie Dawson, F. M. Dawson, Elbert Dawson and Joseph Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Tribal Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee tax rolls of 1865 and 1866, Elbert Dawson on the Cherokee tax roll of 1866, Mollie Dawson on the tax roll of 1866, Joseph Dawson on the tax rolls of 1867 and 1868, James Dawson on the tax rolls of 1868 and 1869, Rial Dawson on the tax rolls of 1869 and 1870, Josephine Dawson on the tax rolls of 1870 and 1871, Joseph Dawson on the tax rolls of 1871 and 1872, John Dawson on the tax rolls of 1872 and 1873, and John Dawson on the tax rolls of 1873 and 1874.



person on the Day roll of 1884, and the same person as the Day roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such persons as they may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 524, D 520, D 531, D 534, D 535 and D 535.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F. M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the case of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arisona Alfred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Dayroll roll of 1894, and William R. Dawson and Arisona Alfred are identified on the Cherokee Census roll of 1896.

Andrew G. Atkins was married under a Cherokee marriage license

and in 1894, the laws of the Cherokee Nation, which require a person to be born in the Nation or to have his wife or child born in the Nation, and to be included in the census of the Nation. The old roll of the Cherokee Nation, the Cherokee roll of 1894, and the laws of the Nation, are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Ben Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1898.

Paragraph 9, Section 21, of the Act of Congress approved June 25, 1898 (30 Stat., 495) provides:

"No person shall be enrolled who has not heretofore resided in and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1863, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the other children of the above named persons is considered to be that of their parents, since none of them are living.

Group II, included the applications of Samuel E. Dawson, together with those claiming through him and embraces cases numbered D 300, D 302, D 304, D 305, D 400 and D 402.

The evidence shows that Samuel E. Dawson is identified as the said Dawson admitted to citizenship in the Cherokee Nation as herein before stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson hold that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Kate Dawson are the issue of the aforesaid marriage. Samuel E. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Hulawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel E. Dawson. They were born at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Hulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 10, 1895, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinafter named, are the issue of that marriage. The

Some other children are identified on the Cherokee Census roll of 1898, and the strip payment roll of 1904. My Bulawsky is identified on the Cherokee Census roll of 1898, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Marrie Dawson, nee Baugher, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert R. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1836, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Harriet Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered B 578, B 580 and B 582. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1898. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Eric H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are herein identified on the Cherokee



Genius roll of 1888.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allard, and Marie J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Lillie York, and Mary R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 451, D 471, D 478 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie King) and Nancy J. Bagle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1888.

Hollie Pierce, a white woman, was married to said Robert Pierce on July 18, 1891. She has lived with her said husband since they were married, and Myrtle and Arthur Pierce are the issue of that marriage. Hollie Pierce is identified on the Cherokee Census roll of 1888, and her two children are identified by birth affidavits on file with this Commission.



and Ora Gray are the issue of that marriage. Ora Gray is identified as the wife of Robert Pierce on the 1890 census roll of 1890 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 2, 1884, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1890, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1888 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered 2 504, 2 505 and 2 506.

Joseph E. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as merchandise trader. He was married to Margaret Jackson on May 12, 1888, and they have lived in

application of said Joseph R. Dawson, the issue of the marriage between the said Joseph R. Dawson and Florence Dawson. The applicant, his wife and his three children are identified on the Cherokee Census roll of 1896. Two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as heretofore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and heretofore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1888, and that James R. Dawson has resided in said Nation since 1890, excepting a temporary absence from 1890 to 1892. The residence of the minor children of said James R. Dawson is considered to be that of their parents, and their residence is as stated.

Therefore, the application of said Joseph R. Dawson, James R. Dawson, Wilborn Dawson, and the children of said James R. Dawson, and the children of said Joseph R. Dawson, is hereby approved and the same are hereby admitted to citizenship in the Cherokee Nation.

Marriage as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1888; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1885; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, wife, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James W. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birtie J., on December 5, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Est Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame, are the

of that marriage. The said James R. Blasingame and her two children are identified on the Cherokee census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband ever since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Albert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claimants through the said Albert Dawson, and embraces cases numbered B 435, B 604, B 608, B 605, B 609, B 617, B 626 and B 627.

The evidence shows that Zora Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Albert E. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Albert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zora Patterson is identified on the Cherokee census roll of 1896, and William C. Dawson, Robert L. Dawson, Albert E. Dawson and Richard W. Dawson are identified on the Strip payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip payment roll of 1894.



Martin L. Patterson was married under a Cherokee Marriage License, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Tom Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1898, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William G. Dawson on November 12, 1886. She has lived with her said husband ever since they were married.

Albert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Albert Dawson about 1884, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1890. His child Ida E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Albert Dawson, at the time of his father's admission to citizenship,





ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stat., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), 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."

The evidence further shows that Kosa Patterson, William C. Dawson and Richard T. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Albert B. Dawson, Sarah I. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 83, D 85, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John T. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1886, and has lived with her since that time. Joseph V. and Robert S. Graham are the issue of the former marriage. John T. Graham, his wife and the children are identified on the Cherokee Census roll of

Mr. F. Graham was married on August 10, 1888, to Mrs. Mary E. Graham, and she is identified by a birth affidavit on file with this Commission.

John F. Graham was married on August 10, 1888, to Mrs. Mary E. Graham, and she is identified by a birth affidavit on file with this Commission.

Bessie Graham was married on November 8, 1888, to James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application and James M. Graham, and hereinbefore named, are the issue of their marriage. The oldest child Marion is identified on the State payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John P. Graham and J. Willie Neal have resided in the Cherokee Nation since 1888, and Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with those who are living.

Group X, included the application of the said Mrs. L. Graham, who is living through her. The said Mrs. L. Graham, at the time of her admission to citizenship, was the wife of John W. Graham, and she was married to him on August 10, 1888, and she is identified by a birth affidavit on file with this Commission. The said Mrs. L. Graham, at the time of her admission to citizenship, was the wife of John W. Graham, and she was married to him on August 10, 1888, and she is identified by a birth affidavit on file with this Commission.

citizenship. They are the children of Flora Jackson, a Cherokee woman, and James H. Harmon, a white man, and they are identified on the Cherokee Census roll of 1896.

The children of Flora Jackson and James H. Harmon are Fannie Jackson, William Jackson and Fannie Jackson. Fannie Jackson and William Jackson are the children of said Flora Jackson, and Fannie Jackson, Flora Jackson, Fannie A. Jackson and Fannie Lenox were citizens at the date of their mother's admission to citizenship, and they are identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three elder children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children, Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Fannie Jackson claims to have been married in 1886 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his death was a citizen of the Cherokee Nation, and that Fannie Jackson was a citizen of the Cherokee Nation at the date of her admission to citizenship. Fannie Jackson and her children are identified on the Cherokee Census roll of 1896.





The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 718, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene T. and Willburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1894, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1898. On September 22, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Della F. Richardson is the child of the applicant by his first wife, Sellar. Fieid T. Richardson and Jasper C. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of his said wife Kitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the head of her family. The youngest child Paul Newman was born in 1896 and was living at the date of this application. Maria F. Richardson is identified on the Cherokee Census roll of 1896, and Philip S. and Jasper C. Richardson are identified by birth certificates on file with this Commission.

Etta Brewer is the daughter of said V. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said V. A. Dawson in the State of Texas on September 28, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. V. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, V. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said V. A. Dawson.

The evidence shows that James Jackson has resided in the Cherokee Nation since 1884; that Etta Brewer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1894; that Willie T. Dawson has resided in the Cherokee Nation since 1893; that Henry T. Richardson has resided in the Cherokee Nation since 1893, and that Eliza Richardson, his wife, has resided in the Cherokee Nation since 1893. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Very truly yours,  
Special Agent in Charge, Cherokee Nation

citizens are related to the above named Dawson. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram E. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 15, 1884, to Julia F. Douthitt, and was admitted to citizenship in the Cherokee Nation by the said "Special Court" on September 15, 1884. Curtis, Morris G. and Roy Weddle are the issue of the said marriage. Hiram E. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Julia F. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 15, 1884. He is identified on the Cherokee Census roll of 1896.

Alonso L. Fieback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1881, to Lavona A. Dawson. He had been previously married to the same wife in Texas in 1879, and has lived with her ever since. It appears that Lavona Fieback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1884. William A. and Annie D. Fieback are the issue of the said marriage. Alonso L. Fieback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1896.

Florence Morgan, the wife of Albert E. Morgan, is the daughter of the "City Richmond" heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1884, and the said "City Richmond" is a member of her family. She is identified on the Cherokee Census roll of 1896, and her husband is also identified on the Cherokee pay roll of 1896.

Identified by birth affidavits on file with this Commission.

John H. Fishback is the son of Lawrence Fishback, who was admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1895.

George A. Mabry was married to one Mina Deegan in the State of Arkansas in 1884. He claims to have been married under a State marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Mina Deegan was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Mina Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John H. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children mentioned in this decision, and heretofore noted, are made a part of this report.

It is contended by the Cherokee Nation that the applications herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by any court of record, and that the fragments of the Cherokee Census rolls for 1894 and 1895, which were destroyed by fire in 1904, are the only evidence in the possession of the Cherokee Nation which would show that the said children were ever lawfully admitted to citizenship in the Cherokee Nation.



In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and set upon upon by that Commission. In United States vs. Throckmorton, 38 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1861, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were James Teehee, Alex White and E. J. Thompson. The first two were full blood Cherokee Indians they could understand, but could not talk English. One D. W. H. Duncan was the Clerk of the Commission. The Dawsons were there several times before final decision. J. H. Brown appeared to have been an attorney in the case, and after some delay he notified James M. Brown that the case would be taken up by the Commission at the session of January, 1862, and after some delay that J. H. Brown would have been present at the session of the Commission.



would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel M. Benge to go to Tahlequah and obtain the depositions. Benge who is a witness herein testifies that he was conversed with the Dawson case when it was commenced in 1881, that it was adjourned several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tash Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon notice of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

E. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Tashco and Wolfe. He further testifies that D. W. C. Dugan, the Clerk of the Court asked the witness to let him know what got large citizenship cases come up; that he informed J. S. Dugan to Dugan on the evening of January 10th, 1883, that of a conversation between him and Tashco Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon notice of the witness, and rendered a judgment admitting the Dawsons to citizenship.

evidence introduced and the argument made, and that the case was then decided in favor of the Davsons. Witness further testified that Dawson gave him twenty dollars and said he would send him another hundred dollars in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a legal claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud in the testimony of E. K. Beach, G. M. Taylor, Thomas L. Deheart, J. E. Glinkenshaw, James T. Davis, G. D. Strang and David Forsyth.

E. K. Beach testifies that a judgment entered in the case was rendered in the Davsons' favor as the result of the trial and that any additional proceedings in the case were discontinued as a result of the payment of the money.

There is no other evidence in the case which tends to support the charge of fraud in the testimony of E. K. Beach, G. M. Taylor, Thomas L. Deheart, J. E. Glinkenshaw, James T. Davis, G. D. Strang and David Forsyth.

Thomas B. Babhart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commissioner's interpreter and Jim Smith, solicitor for the Nation, came to the witness home in Tallahassee the evening of January 10, 1933, to borrow some money; that Dawson was counted for by Butler as a responsible party and that Dawson told the witness that he had to take money that night, that his check was to be submitted the next day if he could get some money, that Smith had agreed to submit the case to the Senate, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person known in Tallahassee as the James Dawson described by witness.

Clintworth testifies that he had a talk with Robert Dawson about 1931; that Dawson told him he had paid two witnesses, Mr. Baker of Arkansas, "an old man 50 or 60 years old who did not look straight up" and that he would give Mr. Baker five dollars of Arkansas money and he would swear black was white. Although further testifying that Dawson told him that money was that was the more go in Texas, and that he had found out that it goes here too.

According to the Commission the go into the Commission of money by bribery with testimony to that effect, the Commission is not satisfied, if anything, that the more money is given, the more likely it is to be given to the Commission.





before this Commission will carry out the right to be heard upon that point.

Adopting the truth of all the testimony in this case as the actual transcript of record in the Dawson case, Butler and Smith were the only beneficiaries of that case. There is no evidence that the members of the Commission received or offered any of it.

The judgment entered in the Commission's docket about the signature of the three members of the Commission appeared therein. There is some conflict as to whether Dawson signed Thompson's name, or whether Thompson affixed his own signature. Dawson testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. V. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. V. Thompson testified that he remembers the Dawson case and recognized the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawson or by any one else so far as he knows.

This evidence has been considered by the Commission for the purpose of showing that the question, through what was known to him, was not a Cherokee, and that other members of the Commission, coming from the same source, were not denied the same rights as were granted Dawson. It is the duty of the Commission to see that the same rights are granted to all.



ground in the procurement of the Robert Dawson patents, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Federal Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1863, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1863; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1863, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to sit aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence is sufficient to show that the Dawsons secured their acquisition of land by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1884, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis H. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jennie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Haze B. Atkins, Edward C. Atkins, George J. F. Atkins, Francis H. Dawson, Jr., son of Francis H. Dawson and grandson of Robert Dawson,

(Group II.) Samuel B. Dawson, August Dawson, Haze Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Sara Bulawsky, Ida Bulawsky, Haze Bulawsky, Edward Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Talle Dawson,

(Group III.) John Dawson, Robert B. Dawson, Yola H. Dawson, Samuel H. Dawson, Haze B. Dawson, Charles E. Dawson, Mattie J. Dawson, Joseph B. Dawson, James U. Dawson, Vergal C. Dawson, George P. Dawson, Charles J. Dawson, Orie H. Dawson, Burr B. Dawson, James W. Dawson,

(Group IV.) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Geo. Gray, Cecil Gray, Walter Gray, Ethie Akin (formerly

Effie Pierce), Daisy J. Dagle, James E. Dagle, Emma M. Dagle,  
John E. Dagle, Marvin E. Dagle, Claude Dagle, Nancy Marie Dagle,

(Group V) Joseph R. Dawson, Clarence R. Dawson, Samuel F. Dawson,  
Elmer A. Dawson, Clee Dawson, Rufus T. Dawson, William Dawson,  
Edgar Dawson, James R. Dawson, Vinnie G. Dawson, Arthur G.  
Dawson, Edwin C. Dawson, Annie F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ed  
Moore, James W. Moore, Meta E. Moore,

(Group VII) Henry A. Blasingame, Vinnie S. Blasingame, Edward L.  
Blasingame, Ellis T. Blasingame, Earl D. Blasingame, Almonster  
Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasing-  
ame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson,  
Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson,  
Virgil V. Patterson, William C. Dawson, Robert L. Dawson,  
Elbert B. Dawson, Ralph B. Dawson, Richard W. Dawson, Lue E.  
Dawson, Ella L. Spickerman, Helen J. Spickerman, William  
Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert B. Graham,  
Gideon Graham, John W. Graham, Julian E. Graham, Frederick E.  
Graham, Mary E. Graham, James E. Graham, Arnold E. Graham,  
Florence H. Graham, Lawrence A. Painter, Ada E. Painter, Ed  
Painter, John W. Painter, Roy A. Painter, Robert A. Painter,  
Roy V. Painter, Florence P. Brantner, Kyrle Brantner, George  
Brantner, Joe E. Brantner, William C. Brantner, John V. Brantner,  
Ella K. Brantner, Robert Lee Graham, Joe Willie Earl, Emma E.  
Graham, Harriet Graham, Maggie Graham, Lawrence Graham, Clara  
Graham,

(Group X) Mary Graham, Verna Graham, Vinnie S. Graham, John  
Graham,

Dwight Hanson, William D. Hanson, ...

Laura, Firtie B. ... Firtie B. ...

(Group XII) Teresa ...

Vitty ...

noy, Laura Flournoy, ...

Flournoy, Fina T. Richardson, ...

Richardson, Etta ...

(Group XIII) Lula Pearl Weddle, Curtis ...

Roy Weddle, William D. Douthitt, Laverna A. ...

Fiskback, Annie B. Fiskback, Florence Lorgan, Clide Lorgan,

Alice A. Morgan, John E. Fiskback, Edna Mabry, Roby Mabry, and

Charley Mabry,

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, 1908 (35 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulavsky, Mennie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. ...

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. ...

(Group VIII) ... nee Jones,

(Group IX) John W. ... Charles T. Braxton, ...

(Group X) James H. ...

(Group XI) ...

(Group XII) ...





20 1947B

COMMISSION TO STUDY THE PROBLEMS OF THE INDIAN TRIBES

FIELD  
FEB 1 1902

 ACTING CHAIRMAN

COMMUNICATIONS  
HENRY L. DAVIS.  
TAMM BERRY.  
THOMAS S. NEEDLES.  
C. R. BRIDENRIDGE.

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 1st, 1902

Wilbert Dawson,  
Afton, Indian Territory

Sir:

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 day of ..... 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.

Cherokee D-473.  
Register.

COPY.

Cherokee D-584--

Muskogee, Indian Territory, January 24, 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 December 23, 1902, granting the application for the enrollment of Francis A. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William S. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis H. Dawson, Jr., Samuel R. Dawson, August Dawson, Kate Dawson, Robert Dawson, Albert E. Dawson, Ralph E. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Lou Bulawsky, Annie Bulawsky, Blanche Bulawsky, Kay Bulawsky, Dora Bulawsky, John W. Dawson, Mattie Leeman, John Dawson, Robert J. Dawson, John Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, David J. Dawson, Jennings B. Dawson, James U. Dawson, Margal G. Dawson, Thomas F. Dawson, Marice J. Dawson, Orie H. Dawson, Edna M. Dawson, James T. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Willie Pierce, Edna Gray, Cecile Gray, Milton Gray, Willie Gray, James T. Gray, Frank E. Gray, John A. Gray, John E. Gray, William J. Gray,

Claud Bogie, Nancy Edith Bogie, Joseph R. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus L. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vignia D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis V. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert E. Dawson, Ralph H. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Misadurt Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John F. Graham, Julius E. Graham, Francois W. Graham, Mary F. Graham, Jesse E. Graham, Gracie L. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Roy D. Painter, Roberta A. Painter, Roy V. Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Harlan Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harman, Lillie S. Harman, Claude Harman, Bright Harman, William D. Harman, Fannie A. Jackson, Jessie Lenox, Birtie E. Lenox, Myrtle Lenox, Thomas Woolley, Isaac F. Woolley, Wilburn E. Woolley,

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laure Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverne A. Fishback, William A. Fishback, Annie B. Fishback, Florenhoe Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenex, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis H. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham.



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,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-130.

COPY.

Charokes D-324--

Muskogee, Indian Territory, February 10, 1903.

A. S. McKannon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William B. Dawson, Lizette Atkins, Arthur Atkins, Edna B. Atkins, Edward C. Atkins, George J. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Matt Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Para Bulawsky, Ida Bulawsky, Anois Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Fernan, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vargal C. Dawson, Thomas P. Dawson, Marilee J. Dawson, Orie H. Dawson, Barr R. Dawson, James W. Dawson, Robert Pierce, Kettle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Felton Gray, Effie Akin, Dancy J. Bogie, James E. Bogie, Edna E. Bogie, John H. Bogie, Marvie E. Bogie, Elma Bogie, Emma Bogie Bogie, Joseph E. Dawson, Charles E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Anni F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John T. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John E. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie E. Harmon, Claud Harmon, Knight Harmon, William D. Harmon, Frankie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edget Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Della F. Richardson, Etta Brauer, Luja Pearl Weddle, Curtis Weddle, Morris G. Weddle, Roy Weddle, William D. Douthitt, Lavorna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Holy Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Dulawsky, Hannah Dawson, Sarah J. Dawson, Nellie Pierce, John S. Hogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingsue, Mary A. Blasingsue, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John V. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Anderson, Essie Graham, James H. Harnon, William G. Lenz, Millie T. Dawson, Henry T. Richardson, Malinda A. Dawson, Hiram F. Weddle, and Alonso M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arlison Alfred, William G. Alfred, Francis M. Dawson, John Jackson, Lizzie Jackson, Jessie Jackson, Roy Jackson, Clyde Jackson, Emma Lowe, May Lowe, Selma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Bessie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Graham, Alice Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that a written protest against the action of the Commission in this case, and a printed protest has been furnished both yourself and the printed protest card, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be 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 advised of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior.

(Signed) \_\_\_\_\_

\_\_\_\_\_  
Special Agent

Enc. B-48.

Register.



COPY

Muskogee, Indian Territory, February 26, 1903

Wilhelm Hansen,  
Afton, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the minutes of the Commission to the Five Civilized Tribes, dated December 29, 1902, in the consolidated case of Francis M. Hansen, et al., granting, among others, your application for the enrollment of yourself as a citizen by blood of the Muskogee Nation. There has heretofore been furnished your attorney, A. H. Johnson, Esq., and I have also a copy of the record of proceedings together with a copy of the Commission's decision.

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

The decision, copy of record of proceedings and in the case are this day being transmitted to the Secretary of the Interior for his review and decision. The office of the Secretary will be well known to you as being at the Commission is informed of the same.

Very truly,  
Sincerely,

31209

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Oris H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Valton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna V. Bogle, John H. Bogle, Marvin R. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Clec Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Lora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Karl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas K. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Helene J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempe V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Deal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie R. Lenox, Myrtle Lenox, Texanna Woolley, Irene E. Woolley, Wilburn E. Woolley,

4

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper O. Richardson, Della F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverne A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Pulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Farnen, William C. Lanox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Hesa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

The first thing I noticed when I stepped out  
against the motion of the water, I felt a  
pull in my chest.

My heart was racing  
I felt like I was  
falling.

Jan. 15-1964.

Through the  
Compassion of Jesus Christ.

at



COPY.

Cherokee D-344.

Muskogee, Indian Territory, February 29, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Vinita, 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 matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

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

Respectfully,

(Signed) TAMB BENT,

Chairman.

CONF.

Character D-324.

Washington, D. C., February 10, 1903.

A. S. Hanson,

Attorney for Francis H. Brown, et al.,  
New York, United States.

Dear Sir:

You are hereby advised that the Commission's opinion in the matter of the application of Francis H. Brown, et al., for enrollment as citizens of the United States, has been submitted 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 advised of the same.

(Signed) [Illegible]

[Illegible]

Refer in reply to  
the following:  
LAND  
12025-1203.

COPY.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, October 14, 1902.

INDIAN AFFAIRS.

Francis M. Dawson, et al.,

Group V.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting Group 1  
of the case of Francis M. Dawson, et al., applicants for enrollment  
as citizens of the Cherokee Nation, there is transmitted herewith  
record relative to the applicants of Group V.—

Francis M. Dawson, et al.,

Joseph E. Dawson applies for the enrollment of himself and his  
five minor children, Clarence E., Council J., Elmer A., Elsie and  
Hattie T. Dawson, as citizens by blood, and for the enrollment of  
Marjorie Dawson, his wife, as a citizen by intermarriage. He also  
applies for the enrollment of his minor child, Edgar Dawson, who was  
born subsequent to the date of his original application. Edgar  
Dawson is properly qualified by a birth affidavit.

P. 178. Group V. page 11.

Wilhelm Dawson applies for the enrollment of himself as a citizen by blood.

P. 179. Group V. page 11.

James R. Dawson applies for the enrollment of himself and his three minor children, Virginia D., William C. and Elsie S. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. He also applies for the enrollment of his minor child, Ancil F. Dawson, who was born after his application.

-----

Joseph R. Dawson, (Group V. page 1), the record shows is a son of Robert Dawson. He was admitted to citizenship in the District of Columbia by the Supreme Court, January 11, 1883, under the name of Joseph Dawson. Joseph R. Dawson was married to Florence Dawson May 16, 1886. Florence Dawson is a daughter of Ellen or Eliza Jackson or Dawson, who was admitted generally by the Supreme Court, August 9, 1886. She seems to have been born on the date of her mother's admission. The minor children born to her by Joseph R. Dawson are the issue of the marriage between Joseph and Florence Dawson. Joseph R. Dawson, his wife and their minor children are identified by the marriage contract filed in 1886. The two younger children are identified by birth certificates.

William Dawson, (Group V. page 12), was admitted to citizenship

in the Cherokee Nation by the Takee Court, January 11, 1905. He is identified by the 1896 census roll.

John E. Dawson, (Group V. page 11), was admitted to citizenship in the Cherokee Nation under the name of James Dawson, August 11, 1905. He was married to Martha A. Dawson February 20, 1890. The principal applicants, his wife and their three other minor children are identified by the 1896 census roll.

Joseph E. Dawson has lived in the Cherokee Nation since 1890, and Florence and Wilborn Dawson have lived in the Nation since 1890, and James E. Dawson has lived in the Cherokee Nation since 1890, except that he was absent therefrom from 1890 until sometime in 1895.

Joseph E. Dawson was married to Bern E. Dawson prior to his marriage to his present wife, Florence Dawson, but the record in this group shows that he was divorced from her before he married Florence Dawson.

The Commission in its decision of December 23, 1905, held that all of the applicants in this group were entitled to citizenship—Martha Dawson and Martha A. Dawson as citizens by Intermarriage, and the others as citizens by Blood.

Attention is respectfully invited to office report of even date transmitting group 1. of this case, and for the reasons set forth therein, the office believes that the Commission's decision should be sustained, except as to Martha and Florence Dawson, who should be considered as unmarried citizens. Their rights should be



could have until the Court of Claims shall have made its findings  
and rendered an opinion in accordance with department request of  
January 24, last.

Very respectfully,

Wm. V. A. Jones

S.A.V.-L.C.

Assistant Secretary

D.C. 10518-1904.

JUN  
13  
1904

ITD 7442-1903.  
7464- "

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 21, 1904.

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

Gentlemen:

On February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation, with your decision of February 25, 1902, in the matter.

In said decision you disposed of those applications in five groups. Group V as disposed of by you will be considered as follows:

This group includes the applications of Francis M. Dawson, Wilburn Dawson and James R. Dawson, and those embraced therein, and embraced in cases designated by you as B. 244, B. 245 and B. 526. The record in this case forms a part of the record in the consolidated case of Francis M. Dawson et al., referred to above.

The application of Joseph R. Dawson, B. 244, was for the enrollment of himself and his six minor children, viz: Council J., Elmer A., Cleo, Rufus T. and John Dawson, all of the Cherokee Nation and for the enrollment of Florence Dawson, as a citizen thereof.

The said Joseph R. Dawson was admitted to Cherokee citizenship January 11, 1883, by a decree of the Indian Court. He was classified upon the Cherokee rolls of 1883, 1884, 1885 and 1886, and resided in said nation since 1883. May 16, 1888, he was married to Florence Jackson.

Under title D 364, you classified Florence Dawson, nee Jackson, as an applicant claiming enrollment by intermarriage. In your decision of December 28, 1903, you held that she was entitled to enrollment as such. It appears, however, from your field report of October 19, 1901, that a change was made in her classification, and that she was entered upon a doubtful card as an applicant for enrollment as a citizen by blood of the Cherokee Nation.

It appears, however, that her mother, Ella Jackson, was formerly a member of the Dawson family, was admitted to Cherokee citizenship September 9, 1884, by a decree of the Indian Court. The petition upon which that decree was founded was dated September 1, 1883. Doubt has been expressed as to whether Florence Dawson was a minor when her mother was admitted. From her testimony it appears that she was born December 11, 1883. This being true, she was under 21 years of age at the date of the decree referring to her, and under 20 years of age when said petition was filed. She was married and a member of her mother's household when her mother was admitted. She is identified upon the 1884 census roll, and resided in the Cherokee Nation with her husband since that date.

in 1866. The minor children named above are the issue of the marriage between Joseph R. and Florence Dawson. The two older children are identified on the Cherokee census roll of 1866, and two younger are identified by birth affidavit.

The application of Wilbur Dawson, D 478, was for the enrollment of himself as a citizen by blood of the Cherokee Nation. He was admitted as such by the decree of the Tehee Court dated January 11, 1883. He has resided in the Cherokee Nation since 1866 and is identified upon the 1866, 1884 and 1896 tribal rolls.

The application of James R. Dawson, D 526, is for the enrollment of himself and his four minor children, Viola E., Ernie C., Edwin C. and Anell F. Dawson, as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen of said nation by intermarriage. The said James R. Dawson is the son of James Dawson who was admitted to Cherokee citizenship by decree of the Tehee Court dated January 11, 1883. He is identified upon the pay rolls of 1866 and 1884, and the census roll of 1866, and has resided in the Cherokee Nation since 1866, except during a temporary absence from 1887 to 1891. He was married to the said Martha A. Dawson February 28, 1896. She is identified upon the 1866 census roll and has resided with her husband in the nation since their marriage. Their three older children named above are identified upon the 1866 census roll; their fourth child is identified by birth affidavit. It is considered that the residence of the said James R. Dawson is that of their parents.

In said decision of December 23, 1902, you held that all of the applicants named above, except Florence Dawson and Martha A. Dawson, were entitled to enrollment as citizens by blood, and that they were so entitled as citizens by intermarriage.

Reporting in reference to this group, October 19, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except as to Florence and Martha A. Dawson.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, claiming that the decrees under which they were admitted were obtained through fraud. His contention was disposed of in an opinion dated 2 February 16, 1904, by the Assistant Attorney General, approved by the Department, relative to the application of Francis M. Dawson et al., copy of which was forwarded to you February 24, 1904.

The Department considers that your decision relative to these applicants named above who claim enrollment as citizens by blood is correct. Said decision is hereby affirmed as to them. The Department can discover no reason from the report record as it now stands why Florence Dawson should not be enrolled as a citizen by blood. Inasmuch, however, as neither your Commission nor the Commissioner of Indian Affairs discussed her rights as such, the case is herewith returned for further consideration, and (if necessary) further investigation. In this connection see Department's decision of even date concerning James Love and Lizzie Jackson (Group 1).



II of the Dawson case).

No action will be taken at this time respecting the rights, if any, of Florence Dawson and Martha A. Dawson, as acquired by intermarriage.

A copy of Indian Office letter of October 19, 1904, relating to this group, is inclosed.

Respectfully,

(signed) Theo Ryan,

Acting Secretary.

2 inclosures.

COPY

Charles Smith,

Muskogee, Indian Territory, April 12, 1904.

Wilborn Dawson,

Arton, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, 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 21, 1904.

Respectfully,

*F. B. Nesbitt*  
Commissioner in Charge

007

Cherokee B. Sec, et al.

Muskogee, Indian Territory, April 12, 1902

A. S. McKennon,

Attorney for Francis L. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L. Eula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William B. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert H., Ralph H., Alfred, Samuel B. August, Kate and Robert Dawson, Katie Newman, Josephine, Della, Annie, Elanoke, May and Oscar Bulavsky, John, Robert B., Edna May, Samuel R., Rosa B., Charles B., Hattie J., Jennings R., Susan H., Volgal C., Thomas P., Marlee J., Oris K., Burr R. and James B. Dawson, Ella Jackson, Flora, Lillie R., Gland, Delight and William B. Hartson, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lewis, Missouri, Tampa V., Robert S., Oisach, John V., Fannie B., Elizabeth C., Mary E., Jesse E., Gracie A. and Florence A. Dawson, Margaret A., Ella B., Eva F., John W., Mary E., William A., and

Roy V. Faister, Florence P., Myrtle and Geneva Davidson, John  
 William C., John F., Edna M. and Robert Lee Graham, Joe Williams,  
 James M., Marion, Maggie, Luther and Floyd Graham, Willie, Sam,  
 Walter, Clara, Ora, James W., and Mrs. Edith Moberg, Richard C.,  
 Ina E. Dawson, Ella L., Helen J. and William (Black) Davidson,  
 Elbert B., Ralph E., Robert L., and William C. Morgan, James  
 A., Martha A., Claud A., Edgar B., Thomas B. and Maggie J. Morgan,  
 Joseph R., Clarence H., Godasil J., Elmer A., Clara, Robert E.,  
 Wilburn, James R., Winnie D., Ermine G., Emma C. and Pearl M.  
 Dawson, Etta Brewer, Kitay, Della E., Finta J. and Robert M.  
 Richardson, Edgar, Walter, Alice, Laura, Oscar, George and  
 Elouay, Texanna, Irene W. and Wilburn E. Woodling, Cora M.,  
 William A. and Annie B. Fichtank, Lula P., Cora M., Emma M. and  
 Roy Waddle, Florence, Gliss and Alice A. Morgan, John W. Morgan,  
 Edna, Ruby and Charley Moberg and William B. Davidson, an individual  
 blood of the Cherokee Nation, and also the blood of the  
 the enrollment of Cecil Dawson, Lizzie and Marshall Graham, and  
 sons by blood of the Cherokee Nation, that having been filed  
 September 1, 1903, was affixed by the Secretary of the Interior  
 on March 31, 1905, and that the Commissioner's Report, made  
 Application for the enrollment of John W. Morgan, James  
 Mrs. Lora, Mrs. Emma, Mrs. Jennie, Mrs. Mary and Mrs.

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

SIGNED

*T. B. Nease*

Commissioner in Charge



Cherokee D 324, et al.

Muskogee, Indian Territory, April 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 December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Julia, May, Jessie J., Jacob L., Hugh A., Laura A., John, William B. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John F., Albert M., Ralph M., Alford, Samuel R., August, Kate and Robert Dawson, Estie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Kulawsky, John, Robert B., Iola M., Samuel B., Ross B., Charles B., Mattie J., Jennings B., James U., Verrell C., Thomas P., Marice J., Oris M., Burr E. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Jackson, Fessie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Elizabeth, Tenge V., Robert E., Sisson, John W., Julius E., Elizabeth V., Mary E., Frank B., Grace H. and Clarence M. Graham, Margaret A., Ada E., Bob E., John W., Ray D., Robert A., and

Roy V. Fairner, Florence P., Myrtle and Cecile Davidson, Joe B.,  
 William G., John T., Matt H. and Robert Lee DeWitt, Joe Willie Smith,  
 James H., Marion, Maggie, Luther and Floyd Seaman, Mattie, Nora,  
 Walter, Clara, Ora, James W., and Edna Edith Moore, Richard V. and  
 Ina E. Dawson, Ella L., Helen J. and William Oscar Oshkoshan,  
 Albert E., Ralph E., Robert L., and William C. Burrows, Emma, Sarah  
 A., Martha A., Claude A., Nigger B., Thomas K. and Virgil V. Patterson,  
 Joseph E., Clarence E., Council J., Elmer A., Clio, Rufus F., Elmer,  
 Wilborn, James R., Vivian D., Edwin G., Maria G. and Annie E.  
 Dungan, Etta Brown, Kitty, Belle F., Fats T. and Fanny Cecil  
 Richardson, Nigger, Walter, Alton, Laura, Oscar, Charles and Sam  
 Houston, Tennant, Irene W. and Wilburn E. Woolley, Lawrence A.,  
 William A. and Annie B. Fitchback, Lula F., Sylvia, Morris E. and  
 Roy Whittle, Florence, Clyde and Alice A. Norman, John W. Fitchback,  
 Mary, Roby and Charley Mabry and William D. Bostick, as witnesses by  
 blood of the Cherokee Nation, and abrogating the applications for  
 the enrollment of Cecil Dawson, Lillian and Margaret Seaman as citi-  
 zens by blood of the Cherokee Nation, they having died prior to  
 September 1, 1906, was affirmed by the Secretary of the Interior  
 on March 25, 1906, and that the Commissioner's decision rejecting the  
 applications for the enrollment of James, May, Sarah, Rebecca, and  
 Matt Brown, Matt, Lillian, Annie, Mary, and Clara Seaman as citizens

by order of the Executive Council, was directed to  
the Secretary on the same date.

SIGNED

*T. B. Needles*

James R. Dawson

Trans. from D526



In the case of the application of James R. Dawson for admission to citizenship, the following facts were established by the evidence:

- Q What is your name? A James R. Dawson.
- Q How old are you? A 47.
- Q What is your occupation? A None.
- Q In what district do you live? A Beaufort.
- Q Who do you want to have put on the rolls? A Myself, wife and three children.
- Q Are you a Cherokee by blood? A Yes.
- Q Is your wife a Cherokee? A No sir.
- Q White woman? A Yes.
- Q How long have you lived in the Cherokee nation? A Since '86.
- Q Were you admitted to Cherokee citizenship in '83? A In '83.
- Q Have you a certificate of admission? A I have a copy.
- Q The applicant presents what purports to be a copy of a certificate of admission to Cherokee citizenship showing that on the 11th day of January, '83, certain persons were admitted to citizenship as Cherokees by blood, and among them appears the name of James Dawson.
- Q Do you claim that is your name? A Yes.
- Q This is returned to the applicant.
- Q Have you lived in the Cherokee nation ever since you were admitted in '83? A Except when I was in a medical college and under a preceptor. I was in medical college in '89, '90 and '91.
- Q Where did you go to college? A I went to St. Louis, Mo., first.
- Q What do you mean by a preceptor? A Reading medicine under a preceptor.
- Q Is that included in the three years you speak of being out at college?
- Q I was under a preceptor in '87 reading.
- Q Then you came back to the Cherokee nation in '91? A I came back in '89.
- Q Have you been here ever since? A I was not back to college in St. Louis again in the summer of '89.
- Q How long did you stay? A I stayed three months.
- Q Then came back here? A Yes.
- Q Been here ever since? A Yes sir, went back to medical college and was there 6 months in the summer of '89 and '90.
- Q Then did you come back here? A Yes.
- Q Stayed here that time? A I went to Louisville, Ky., to medical college and stayed six months and came back and have been here ever since.
- Q Finished your medical education in six months and came back here and been here ever since? A Yes.
- Q What is the name of your wife? A Maria Alice.
- Q How old is she? A 40.
- Q When did you marry her? A '80.
- Q Have you certificates of your marriage? A Yes.
- Q The applicant presents a license issued by the Clerk of Carroll county, Mississippi, to James R. Dawson and Maria Alice Dawson, dated the 11th day of January, 1883, and the same is returned to the applicant.
- Q And she is living with you?



Q Give me the names of your children? A Winnie B., 9 years old.

On '96 roll, page 463, number 956, as Winnie Dorcas.

Q Next? A Ermine C., 7 years old.

On '96 roll, page 463, number 967, as Ermine Carl.

Q Next? A Edwin C., 5 years old.

On '96 roll, page 463, number 956, as Edwin Carlyse.

Q They are all living now? A Yes.

Applicant on '96 roll, page 463, number 955, as James Dawson.

Applicant's wife on '96 roll, page 469, number 143, as

Alice.

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

Q Dead or alive? A Dead.

Q What is your mother's name? A Nancy.

Q Dead, or alive? A Dead.

Q How long has your mother and father been dead? A They both died in '86.

Q They are not upon any roll of the Cherokee nation? A I don't think they are.

The applicant applies for the enrollment of himself, wife and three children. He claims to have been admitted to Cherokee citizenship in '83, but does not present an official copy of the Act of admission at this time. He is identified on the roll of '96 and states that he has lived continuously in the Cherokee nation since '51. The Cherokee representative present objects to enrollment of persons admitted at the time that this applicant was admitted, and of the enrollment of this family, because of alleged fraud in the proceedings of the Cherokee Citizenship Commission at that time. For that reason, and also to await official evidence of the applicant's admission, his application at this time will be placed upon a doubtful card. He is shown to have married his wife in '90. She is identified with him on the roll of '96. He states that she has lived with him ever since their marriage, and her application at this time will be placed upon a doubtful card, she being classed as a Cherokee by adoption. The same disposition will be made of the three children who are identified with their parents on the rolls of '96, and are living at this time, they being classed as Cherokees by 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.

*B. M. ...*

Subscribed and sworn to before me this 5th day of October, 1900.

*[Signature]*

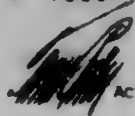
Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 4 1900

0745



ACTING CHAIRMAN

DELAWARE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 4 1900

1 <sup>43</sup> Name James R. Dawson Afton D.

District DELAWARE Year 1896 Page 463 No. 953

Citizen by blood Yes, Admitted Mother's citizenship Rott, Dawson - d

Intermarried citizen No Nancy - d

Married under what law Date of marriage

License Certificate OCT 4 1900

2 <sup>36</sup> Wife's name Martha A. Dawson

District DELAWARE Year 1896 Page 569 No. 143

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage 1890

License Filed OCT 1900 Certificate Filed OCT 1900

Names of Children:

No.	Name	Dist.	Year	Page	No.	Age
3	Vinnie D. Dawson	"	1896	463	956	9
4	Ermine C. "	"	"	463	957	7
5	Edwin C. "	"	"	463	958	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 On 1896 Roll as James Dawson
  - 2 " " " " " " "
  - 3 " " " " " " "
  - 4 " " " " " " "
  - 5 " " " " " " "
- Marriage license not attached.

N576

1875

1875

1875

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1875





IN RE

Application for Enrollment of  
INFANT CHILD

*Amel Ferd Dawson*

as a citizen of

*Cherokee* Nation.

Approved *Sep. 13* 1901

*T. B. Neff*

Commissioner.

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

*copy*  
IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Ancil Ferd Dawson, born on the 27 day of July, 1901  
Name of Father: Jas. R. Dawson a citizen of the Cherokee Nation.  
Name of Mother: Martha A. Dawson a citizen of the Cherokee Nation.  
Postoffice: Afton, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Martha A. Dawson on oath state that I am 32  
years of age and a citizen, by marriage of the Cherokee Nation;  
that I am the lawful wife of Dr. Jas. R. Dawson, who is a citizen, by  
blood of the Cherokee Nation; that a Male child was  
born to me on 27th day of July, 1901; that said child has been named  
Ancil Ferd Dawson, and is now living.

WITNESSES TO SIGN:

(Name to Two Witnesses) } Martha A. Dawson  
May Hall

Subscribed and sworn to before me this 10 day of September 1901.

my Com. Expires Jan. 21, 1905

J. S. Truitt  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Dr. R. H. Harper a physician, on oath state that I  
attended on Mrs. Martha A. Dawson, wife of Dr. Jas. R. Dawson  
on the 27th 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 Ancil Ferd Dawson  
R. H. Harper M.D.

WITNESSES TO SIGN:

(Name to Two Witnesses) } J. A. Dillison

Subscribed and sworn to before me this 10th day of September 1901.

my Com. Expires Jan. 25, 1905

J. S. Truitt  
Notary Public.



2-James R. Dawson, et al.

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.

(Signed) E. G. Rothenberger,

Subscribed and sworn to before me this 18th day of October 1902.

(Signed) B.C. Jones,  
Notary Public.

Edith L. Morey, being first 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 copy of the original transcript.

*Edith L. Morey*

Subscribed and sworn to before me this the 28 day of August, 1904.

*Charles H. Sawyer*  
Notary Public.





# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

In the matter of the application of James R. Dunson <sup>citizen</sup>  
for enrollment as a Cherokee Freedman.

No. F. D. 526

**J. C. STARR.**

C. G. Evans, of lawful age, being duly sworn on oath states that on the 10th day of March, A. D., 1902 he registered to James R. Dunson whose postoffice is Alton, Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Muskogee, Indian Territory; and that on the 13th day of March, 1902 he received the return card which is hereto attached, signed by the said James R. Dunson, showing that he had received said notice.

Subscribed and sworn to before me on this the 13 day of March, A. D. 1902

J. C. Starr  
Notary Public.

C.D. 526

g

0526

**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
..... day of ..... A. D. 190...

Given under my hand this .....  
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
..... day of ....., 190...

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the..... day of ..... A. D. 190...

Subscribed and sworn to before me  
this .....

Notary Public.

FILED  
MAR 15 1902  
RECORDED INDEX

~~W. H. H. H.~~  
ACTING CLERK

# NOTICE!

IN THE MATTER OF the application of James R. Dawson et al  
for enrollment as Cherokee citizens:

Case No. D 529

In James R. Dawson et al *after D.N.*

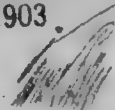
You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on **March, 17, 1902.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **March, 10, 1902.**

*W. W. Hastings*  
Attorneys for the Cherokee Nation. R

COMMISSION TO THE

FILED  
JUL 22 1903



CHASMAN

Dep

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

CHEROKEE ENROLLMENT OFFICE.

Tahlequah, I. T. T., JUL 20 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
D-526 ✓	James R. Dawson		45
D-526 ✓	Martha A. Dawson	Wife	32
D-526 ✓	Vinnie D. Dawson	Son	11
D-526 ✓	Bermine B. Dawson	Son	9
D-526 ✓	Edwin B. Dawson	Son	7
D-526 ✓	Archie J. Dawson	Son	1

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.

*[Signature]*  
Enrollment Clerk.

*[Signature]*  
Chairman.

Chairman

Chairman.

*[Signature]*





- Q Next child? A Lulu.  
 Q How old is that child? A She is four years old.  
 Q Is that Bill? A Yes, sir, six of them. I have others, but they  
 are not at home.  
 Q Are they married? A No, sir.  
 Q Are they dead yet? A Yes, sir.

(1896 Roll, Page 481, 1903, Francis Marion Dawson, Delaware  
 (1896 Roll, Page 582, 1905, Katie Dawson, Delaware  
 (1896 Roll, Page 461, 1903, Lula Dawson,  
 (1896 Roll, Page 461, 1904, Ray Dawson,  
 (1896 Roll, Page 461, 1905, Joseph James Dawson, Delaware  
 (1896 Roll, Page 461, 1906, Jacob Levi Dawson,  
 (1896 Roll, Page 461, 1907, Hugh S. Songmore Dawson,  
 (1896 Roll, Page 461, 1908, Laura Albertie Dawson,

- Q Is this Lula or Lulu? A Lulu.  
 The applicant applies for the enrollment of himself, wife and  
 six children:  
 Q Were these children all born since you were admitted into the  
 Cherokee Nation? A Yes, sir.

The applicant is shown by his certificate of admission, and  
 wife in the testimony, to have been admitted to Cherokee  
 citizenship by the Commission on Citizenship, January 1st, 1896,  
 1896; he is identified on the roll of 1896, but the representative  
 of the Cherokee Nation desires to have admitted into the  
 Nation of that time, and for that reason, the enrollment of  
 the applicant will at present be placed on a "Doubtful List".  
 He has lived in the Cherokee Nation ever since his admission  
 to citizenship. His wife was married to him in the State of  
 States law, and was married prior to his admission to the  
 never been remarried according to Cherokee law. He has lived  
 with his wife since his admission to citizenship, and she is  
 identified on the roll of 1896. The application for  
 enrollment will be placed on a "Doubtful List".  
 Their six children, as enumerated in the testimony, are  
 identified on the roll of 1896; they are living at present,  
 all having been born since his admission to citizenship. The  
 children will be placed with him on a "Doubtful List".  
 applicant's marriage the power of these children is  
 lished by the marriage license and certificate files.  
 If any additional papers, adverse are developed in this case,  
 he will be given timely notice thereof.

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

(Signed) R. H. Craven,

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

(Signed) C. R. Brockmeier,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :  
of F. M. Dawson and others as :  
Cherokee citizens. :  
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Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q State your name, age, residence and occupation?  
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation.  
I. T. I am a farmer.  
Q How long have resided in the Cherokee Nation? A All my life.  
Q Are you a citizen of the Cherokee Nation as now constituted?  
A Yes, sir.  
Q Upon what is that citizenship based, blood or otherwise?  
A Blood.  
Q What, if any official position have you held in the Cherokee Nation, and at what time?  
A I was elected to the Cherokee Council in 1876 some odd, I don't remember the exact year, I was also on the Commission Court.  
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.  
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.  
Q State, if you remember, how many members of that Commission or Court there were, and who they were besides yourself?  
A There were three, Tebec, Wolf and myself, Tebec was President of the Court.  
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.  
Q Did you have a Clerk? A Yes, sir.  
Q Do you remember who that was? A D. W. C. Duncan.  
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.  
Q Can you recollect now what period of time that Commission lasted?  
A About two years I think, two sessions, and there was one session each year.  
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?  
A Yes, sir.  
Q Were the cases coming before that body heard in open session?  
A Yes.  
Q Witnesses examined orally? A Yes, sir.



Q Judgments of the Court or Commission pronounced in open session?  
A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.

Q What you intended to answer to your answer to the former question was that after hearing the case the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.

Q I will present you with a paper which the witness will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bragdon, Clerk, and John J. Adams Esq., Ex. Secretary, you recognize it as a paper you have ever seen before?

A I recognize the signature to it, but don't remember the instrument.

Q Which signature on that paper do you recognize? A My own.

Q That signature is in your own handwriting? A Yes, sir.

Q Do you know whether the said Judge, President of the Commission could write in English or not? A No, I don't think he could.

Q How as to Alexander Wolfe, a member of the Commission?

A I don't think he could write either, I don't think either of them ever wrote except by holding the pen.

Q Were you, and are you familiar with the handwriting of D. W. O. Duncan, the clerk of that Commission?

A Tolerably well, but it has been a long time since I saw any of it.

Q Will you look at the paper again and say whether you recognize his signature attached thereto?

A Yes, that is his signature to the best of my knowledge.

Q Do you preserve any personal recollection of the application before that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by the Commission?

A I remember F. M. Dawson and his brother, that is about the only ones I remember.

Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?

A Yes, there was such a claim before the Commission.

Q Can you state as to the citizenship of James Tabeo, whether he was a citizen of the Nation or not?

A Yes, sir, he was always a citizen, as well as full blood besides.

Q What is your knowledge of the said Tabeo?

A About the same, he was also a full blood and recognized as a Cherokee.

Q Judge Thompson, if you remember or see, or have now any knowledge of any corruption or bribery at the Court or Commission, or may member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?

A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

#### EXHIBIT - EXAMINATION OF V. T. HITCHINGS.

Q Do you know of any Mr. Thompson that your name attached to the certificate which you is in your handwriting?

A Yes, sir.

Q When Mr. Adams certified that this is a transcript of the decision in the case, he is mistaken, is he not?

A No, I don't know, but I don't think so. If that is not the original I did not see it.

Q You state that the witness was speaking orally before the Court, don't you know that in cases every case you took on paper

affidavits of witnesses when those witnesses were not present?

A I think we ruled experts evidence out, as well as I remember.

Q Did you have any stenographer or anybody to copy the evidence? Mr. Duncan did all of the copying.

Q Was the evidence copied and preserved?

A Yes, sir, I think it was.

Q What was done with that evidence, where was any of it ever put?

A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.

Q When you went into secret session did you have Mr. Duncan read that evidence to you?

A Yes, sir, we went over the evidence thoroughly.

Q Did you allow the applicants or their attorneys admission to any of your secret sessions?

No, sir.

Q When you got ready to render your decisions did you then send for the applicants or their attorneys?

A No, sir.

Q And you rendered them in secret also, did you? A Yes, sir.

Q Have you any recollection who testified in the Dawson case, as to their claims? A No, sir, I have not.

Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.

Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.

Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.

Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.

Q Who was the attorney for the Dawsons? A Old man Houston Bengo.

Q Could either Tenee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.

Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.

Q How long were you considering the case altogether?

A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively how, they were a long time getting in testimony.

Q There were only two or three witnesses examined all told, were there not?

A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.

Q Well the court was a good while arriving at its conclusion after the evidence was closed?

A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember the the interpreter the defendant had during the hearing of the Dawson case?

A His name was Benge, I forget his given name.



Q Do you know whether he is living or dead?  
 A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but we and Mr. Duman.  
 Q What was he, a Cherokee by blood?  
 A He was considered a Cherokee by blood.  
 Q Do you know where he lived at that time?  
 A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,  
 Indian Territory,  
 Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, hereby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C, Misc Record Montg. & Lione, page 339.

Witness my hand and seal of said court at Muskogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

No. 108, Robt. Dawson et al, vs the Cherokee Nation,  
 Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.

OFFICE OF COMMISSIONER OF CITIZENSHIP,  
 TALLAHUASSEE, CHEROKEE NATION, JANUARY 11th, 1893.

Robt. Dawson, F. M. Dawson, Robert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly No. 108 Dawson, Wilbro Dawson, James Dawson, Rial Dawson,  
 vs,  
 The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1893, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was ascertained and determined by the Commission on Citizenship, that the claimants, Robt. Dawson, F. M. Dawson, Robert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbro Dawson, James Dawson, and Rial Dawson, are Cherokees 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 they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan,	)	Thomas Teece, President of Com.
Clerk of Commission.	)	Alex Wolf,
	)	T. F. Thompson,
	)	Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1903.

D. W. C. Duncan,  
Clerk of Commission.

Executive Department,  
Tahlequah, Cherokee Nation,

January 11th, 1903.

I hereby certify that the within named Commission on Citizenship, composed of Thomas Teece, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the  
Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,  
Asst. Ex. Secretary.

United States of America,  
Indian Territory,  
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. H. - N. P. Oct. 4, 1900. The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd, 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

Q Please state your name, age, residence and occupation?

A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.

Q How long has that been your place of residence? A Since 1874.

Q Are you a member of the Cherokee Nation as it is now constituted?

A Yes, sir.

Q Upon what is your citizenship based, a Cherokee by blood?

A Yes, a Cherokee by blood.

Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?

A About that time I held the position of Clerk of the Citizenship Court or Commission.

Q If you remember the names of the members of that Commission or Court, please give them?

A The President of the Commission was Tehen I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.

Q T. F. Thompson?

A Yes.

Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?

A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.

Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragdon, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?

A Yes, I think I have seen this before.

Q When, and where, if you remember, did you first see that paper?

A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.

Q Looking at its date, was it drawn at you at the time it bears date?

A To the best of my recollection it was drawn at the date specified.

Q Do you recognize the signature to the certificate attached to that paper?

A Yes, that is my signature.

Q State if you know, in whose handwriting the body of the paper is?

A It is in my handwriting.

Q And at that time you were Clerk of that Commission? A Yes.

Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?

A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.

Q Explain please, how you came to write the signatures of Thomas Tehen and Alex Wolfe to that paper?

A Thomas Tehen and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, when admitted?

A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the clerk to sign Teehe's and Wolf's names and T. P. Thompson to sign his own name.

Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q Did you have any knowledge at the time the application of the Dawson family, F. H. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. H. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?

A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the clerk.

Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Teehe's name and see if it is not all your own handwriting?

A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q How was the evidence taken in those cases?

A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existence or not?

A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.

Q You say you never heard any talk about this being an improper case until very recently?

A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recall his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan,

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimant being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney..

Given under my hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires 2/3/1902.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation. He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.  
Q How old are you? A Soon will be sixth years old.  
Q What is your postoffice address? A Afton now, it used to be Osage.  
Q What was the name of your wife? A My first wife was Julia Ann Howard.  
Q She was a white woman? A Yes, sir.  
Q When were you married to her? A I think it was the 8th of January, 1884.  
Q Where were you living at that time? A In Arkansas.  
Q Who married you? A A man by the name of Dave Sturdy.  
Q Was he a preacher? A Yes, sir.  
Q A Minister of the Gospel? A Yes, sir.  
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.  
Q Did you have any children by her? A Yes, sir.  
Q What are their names? A William R. Dawson.  
Q The next one? A Francis Marion Dawson Jr.  
Q The next one? A Johnnie.  
Q The next child? A Elizabeth.  
Q The next one? A Arizona Alfred.  
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.  
Q How old are you? A I will be 51 the 13th day of June.  
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.  
Q How are you related to him? A Brother.  
Q Did you know his former wife, Julia? A Yes, sir.  
Q Is she living or dead? A She is dead.  
Q Was she a Cherokee or white woman? A I couldn't say what she they married in the states.  
Q Do you know when he was married to her? A Yes, sir.  
Q When was it? A About the close of the war.  
Q Who married them? A Parson Sturdy.  
Q Were you present when they were married? A Yes, sir.  
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.  
Q How old are you? A 56 years old.  
Q What is your postoffice address? A Afton.  
Q Are you acquainted with the applicant here in this case, Francis H. Dawson? A Yes, sir, as we call him, Bud Dawson.  
Q How long have you known him? A My first acquaintance with him was in '81.  
Q Did you know his first wife, Julia? A Yes, sir.



Suppl. - C. D. #324.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the following proceedings were had:

APPEARANCES:

Mr. A. S. McKernan, of counsel for applicants;  
Mr. W. E. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKernan: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existence anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

It is possible for some one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease and is unable to walk and he may never be able to get out of the house, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is deemed agreeable that the parties start to Fort Gibson tomorrow morning at half past eight o'clock, and it is agreed then and arranged with an official of the Commission with a stenographer to leave from the office of the Commission for Fort Gibson at 2:30 tomorrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. BUTCHINGS:

- Q What is your name? A Francis M. Dawson.  
Q Where do you reside? A In Afton.  
Q You have been examined in this case heretofore, have you?  
A I don't know which case it is.  
Q In your own case? A Yes, sir.  
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.  
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.  
Q What was his name? A A. E. Dawson.  
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.  
Q And you were admitted about the 11th of January '83? A Yes, sir.  
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.  
Q Do you or not remember the evidence offered in theirs to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Terr. Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?  
A That is afterwards?  
Q Yes, afterwards? A I think there was some other evidence introduced.  
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.  
Q Who else? A Oliver Miller.  
Q Who was Oliver Miller; the records in this case have been somewhat destroyed and mutilated? A Oliver Miller he lived in Arkansas.  
Q What was he, who was he? A He is no kin to us at all.  
Q Well, what station in life did he occupy; was he a farmer?  
A Yes, sir, former.  
Q Were you present when he testified? A Yes, sir.  
Q Were you present when Dr. Baker testified? A Yes, sir.



- Q Have you a fair recollection of the testimony of those two men?  
A No, not at all.
- Q You don't read do you, Mr. Dawson? A No, sir, I don't read nor write; I can barely write my name.
- Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
- Q Were you present when you were admitted? A I was not in the room.
- Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
- Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:  
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
- Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
- Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
- Q Now, you were a son of what Dawson? A Robert Dawson.
- Q How many children did Robert Dawson have, and give me their names?  
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion.
- Q What is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
- Q Thirteen? (No response.)
- Q Now, Robert Dawson's father was whom? A Sam Dawson.
- Q Who was Sam Dawson's wife, your grandmother? A I have been told.
- Q By family history is all you know? A She was called Polly Dawson.
- Q Who was Anna Pruitt? A I don't know.
- Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
- Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
- Q Pollie Dawson? A Yes, sir.
- Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
- Q Daughter of Captain John Rogers? A Yes, sir.
- Q Now, she died in Texas what time? A I don't remember.
- Q Can't you guess at it? A Oh, I could guess.
- Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
- Q How old a boy were you then? A I was born in '42.
- Q Have you any distinct recollection of her? A No, sir.
- Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and aunts? I didn't see all of them.
- Q Do you know by family history the names of all of them? A Yes, sir.
- Q Will you give them to me?  
A Betsey Ann Dawson, I believe her name was.
- Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
- Q Your father? A Yes, sir.
- Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
- Q Did he have two daughters? A Yes, sir.
- Q Tell sir? A The next one was Joe Dawson; I never saw him; Riley Dawson.



- Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.  
Q Any other one? A That is all I know anything about.  
Q Did he have any child by the name of John? A Yes, Jack.  
Q Didn't you get Jack replaced with Joe? A No, it was Joe, I  
have heard my father speak of him.  
Q Then they have seven children? A I never see them all.  
Q How many of them did you ever see? A I see uncle Riley Dawson  
and James Dawson and Jack Dawson and Nancy Ann Petty; I don't think  
I saw but one of Pa's sisters and brother, they went to Mississippi  
I think.  
Q Do you know what your family history says that the mother of your  
grandmother, Pollie Rogers' name was? A We have no history.  
Q Well, as it was brought down to you; did you ever hear anybody  
say what your great grandmother's name was? A No, I don't remember.  
Q What is that other man, Oliver Hill, that testified in your case?  
A He testified in James Dawson's case; he never testified in my  
father's case.  
Q Well, didn't anybody testify in your case but Dr. Baker?  
A Yes, sir, several other witnesses.  
Q Who were they? A I don't remember; my mother got them  
witnesses around Tahlequah, old people.  
Q Were you present? A No, sir.  
Q You were only present when Dr. Baker testified? A Yes, sir.  
Q Now, do you find any mistake in Dr. Baker's statement there?  
A I could not say all of them was correct or not, part of it is  
correct.  
Q What part is correct? A Why about knowing the family over there.  
Q Who is Buck Dawson? A My brother.  
Q What is his name? A He always called him Buck, it is Elbert,  
E. Dawson.  
Q Who went with you the first time you went up to make application  
for citizenship do you remember? A With my brother.  
Q The first time? A I met my brother in Texas.  
Q Which one? A E. Dawson.  
Q That is Elbert or Sick? A Yes, sir.  
Q You were living in Arkansas? A Yes, sir.  
Q And he was living in Texas? A Yes, sir, and another one of  
little brothers, Dr. Dawson now.  
Q Dr. Dawson now? A Yes, sir.  
Q What is his name? A James.  
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all  
the statement of the witness relating to the testimony intro-  
duced before the Cherokee Citizenship Commission, and the  
history of the family as detailed by him, because the same is  
incompetent and irrelevant, and cannot be used for the purpose  
of impeaching the integrity of the judgment of said Commission,  
or either of the commissioners in admitting members of the  
Dawson family.

Commission: The objection of the Attorney for the  
applicants to the testimony above will be noted. This case will  
be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

D. H. TAYLOR, being duly sworn, testified as follows on  
part of the Cherokee Nation:  
MR. MURPHY:

Q State your name. A G. H. Taylor  
Q Where do you reside, Sir? A 123 Main Street, New York  
Q Were you in New York on the 1st of January 1912?

Q Were you attending the trial?  
A Yes, Sir.  
Q Where was the trial held?  
A In the Court House.

Q Do you know the defendant in this case?  
A Yes, Sir.  
Q What name does he use?  
A He uses the name of John Doe.

Q Do you know what evidence was used in the case of Mr. Doe?  
A No, Sir; I was the attorney in the case and the evidence had  
already been filed before the court.

Q When was your case filed?  
A I was called in as an  
attorney at the Court House on the 1st of January, and I  
had the case and several other cases assigned to me.

Q Did you read the evidence in this case?  
A No, Sir.  
Q Did you deliver any money?  
A No, Sir; I was not the party to the case  
and I don't think it would do me any good to do so.

Q Now, you have stated your name, and I have asked you  
questions. Did you ever give you any money?  
A No, Sir; I was not the party to the case and I  
don't think it would do me any good to do so.

Q Now, you have stated your name, and I have asked you  
questions. Did you ever give you any money?  
A No, Sir; I was not the party to the case and I  
don't think it would do me any good to do so.

Q Did the matter go to the Court?  
A Yes, Sir; the matter was heard by the Court and I  
was the attorney for the defendant.

Q Do you want to testify in this case?  
A I don't think  
it is right; I was not the party to the case.

Q Mr. Taylor, do you object to my asking you these questions?  
A Yes, Sir; I object to your asking me these questions.  
Q You refuse to answer my questions?  
A Yes, Sir; I refuse to answer your questions.

Q Either answer me or say you don't know. I will not  
ask you any more questions.  
A Yes, Sir; I was not the party to the case and I  
don't think it would do me any good to do so.

Q Now, you have stated your name, and I have asked you  
questions. Did you ever give you any money?  
A No, Sir; I was not the party to the case and I  
don't think it would do me any good to do so.

Q Now, you have stated your name, and I have asked you  
questions. Did you ever give you any money?  
A No, Sir; I was not the party to the case and I  
don't think it would do me any good to do so.

Q Now, you have stated your name, and I have asked you  
questions. Did you ever give you any money?  
A No, Sir; I was not the party to the case and I  
don't think it would do me any good to do so.

Under Section 81 of the Circuit Law as it is commonly called Act of June 23, 1838, the members of the Commission shall in performing all duties imposed upon them by law, have authority to administer oaths, examine witnesses and for papers and records, and the court shall have authority to enforce obedience. The law having enumerated certain powers goes on to say so far as the court is concerned to enable said Commission to take oaths and examine witnesses, and to punish anyone who may in any manner be guilty of obstructing said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege—according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court: do you refuse? A Yes, sir.

Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer: viz: as to whether Mr. Dawson sent you money to pay to the Court or to any of the judges of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.

Q Now, I require that you answer that question, do you refuse?  
A Yes, sir.

Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently constitutes a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at due time of any proceedings in the matter. I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetency and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COMMISSIONER'S REPLY:

Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner's Reply: It will rest until in the morning at the present status; it is adjourned until now.

As for the objection made by Captain McKennon, Counsel for the applicants, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow afternoon, August 19, 1902.)

Supl.-C. D. #324.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

APPEARANCES:

Mr. A. S. McKennon, of Counsel for applicants.  
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENCE, being duly sworn, testified as follows  
on part of the Cherokee Nation:  
W. T. HUTCHINGS:

- Q State your name? A Samuel H. Bence.  
Q Where do you reside? A Fort Gibson.  
Q How old are you? A I am 70 years old, going in 71.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee  
by blood.  
Q State what of local position you have held in the Cherokee Nation  
and what your general connection with the Nation officially in the  
last 40 years? A Well, I had several; I have been Sheriff,  
Councilman, Senator, Delegate to Washington; had a hand in making  
the treaty of 1868, I am the only one living that signed that treaty;  
President of the National Council of different tribes of Indians.  
Q Were you acquainted with F. M. Dawson, commonly called Bud  
Dawson? A Yes, sir; I know him.  
Q State your connection with and what you know about his citizenship  
case before what is known as the Thomas Tehee Citizenship Court?  
A Mr. Dawson come down, I was living down below here, he come and  
employed me to tend to his case and we went to Tahlequah, I believe  
if I ain't mistaken in 1881 and filed his case there; we went  
several times and continued his case on for the want of evidence,  
and finally while we was up there we run across one old darkey by  
the name of Tosh Rogers; we got his testimony and after we got  
that testimony we concluded that it was sufficient to go into the  
trial with. Tosh lived here at Fort Gibson, he was a horse trainer  
down here and stayed here; he claimed that he knew the Rogers and  
belonged to one of them and after that we thought we had sufficient  
evidence we submitted our case to the Court for trial, and the Court  
went to work and rendered a decision against Mr. Dawson.  
I told Mr. Dawson right there that "our cake is dough", just made  
that remark, and he just made the remark "never mind", and next  
morning they taken up his case again and they rendered a decision in  
his favor. I filed no motion nor any evidence at all whatever; I  
give the case up right there and the decision was then given in his  
favor, and on our way back from Tahlequah, why we got to talking  
about the case and I told him: "it was a pretty hard blow when they  
rendered that decision against us." He said: "yes, but Duncan was  
the man to reach", but he reached his with five hundred dollars.  
Q What position did Duncan occupy? A He was clerk of the Court.  
Q Duncan an educated man or? A Yes, sir; he was an educated man.  
Q Who were the members of the Court? A Tom Tehee, Alex Polke and  
Tom Thompson.  
Q How many of these could speak English at all? A One.  
Q Which one? A Thompson.  
Q Who was the Attorney that represented the Nation in these cases?  
A Why Sanders.



Q. What was his given name? A. Wilson Sanders; was it Wilson Sanders?  
A. Wilson Sanders.

Q. Was he an educated man, or could speak English well? A. No, sir.

Q. Did Mr. Dawson say anything about the matters having cost him a good deal of money? A. He said it had cost him a right smart.

Q. Was any remark made on the way back about the opening up of the case, and if so, what? A. He asked me if I thought the case was ever investigated eventually and I told him I didn't know.

MR. McKEHNON:

Q. Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A. I don't know that you might call it a witness; that young man come to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before a the committee. I was not a witness but that is what I don't for him.

Q. That was Mr. Graham, wasn't it? A. Yes, sir.

Q. Have you had conversations with Mr. Graham since that time about it? A. Now, I might, I don't recollect, I might have had conversations with him.

Q. Well, after the Daves Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?

A. Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.

Q. To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A. Not as I recollect of; all he said that is as I have stated he talked to me in regard to his father, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.

Q. What? A. It has been sometime ago.

Q. Here in Fort Gibson? A. Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.

Q. Well, didn't he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?

A. No, sir; he was basing his claim on the Dawson case, that is the way he-

Q. What is the principal Dawson family? A. Yes.

Q. When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)

A. Yesterday I reckon.

Q. Who come to take this? A. Mr. Starr.

Q. Who else was present when this was taken? A. No, sir.

Q. Whom had you told about this matter, Judge? A. No one as I know of.

Q. Do you know how it was that they knew that you know this?

A. No, sir.

Q. You never made any statement? A. Never made any statement that I recollect of except I might have talked with Seales, me and him

talked about these cases a good many times; if I ever made a statement it was to Joe Ab Seales.

Q. How did Mr. Starr know? A. I could not tell you how Mr. Starr knew.



- Q He came alone here as a Notary Public. A He came alone here as a Notary Public. All he said when he came, he says "we understand that you know something in regard to these cases", I said "what case," and he went to work and named Stockade case and Dawson case.
- Q And thereupon you made this statement? A He said he wanted to qualify me.
- Q Are you certain Judge that after the rendition of that judgment Mr. Dawson came back here to Fort Gibson with you?
- A Yes, sir; we was together.
- Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
- Q And returned here together? A Yes, sir.
- Q Did he not leave you there and go back direct to Arkansas?
- A No, sir, he came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
- Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
- Q How did they pay you? A Paid me the money.
- Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
- Q Mr. Graham? A Yes.
- Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
- Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.
- Q Where did he pay you F. M.'s money? A Paid it here at home.
- Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundred dollars.
- Q You were acting as his attorney in the case? A Yes, sir.
- Q How many judges were there present when the judgment was rendered?
- A In his case?
- Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tehee and Wolfe.
- Q Don't you remember that they were all present? A No, I think they were present though.
- Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
- Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
- Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
- Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
- Q How long did you remain out at Tahlequah on that trip?
- A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A No, sir.

Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present)?  
A I don't know whether the judges received any or not.

—00000000—

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 had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.

Mr. W. T. Hutchings, of counsel for Cherokee Nation.

G. H. TAYLOR takes the stand and continues his testimony.

BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.

Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.

Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. H. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.

Q Did you see him again that night? A Yes, sir; after supper I went down to his room.

Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.

Q Which Dawson are you referring to now, F. H. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.

Q You carried Dawson to him? A Yes, sir.

- Q Did you remain during the conversation? A Only a minute.
- Q What was said if anything while you were present? A Mr. Dunson spoke to Mr. Dawson and says "There is a witness in your evidence."
- Q Go ahead and state what else he said? A He said "The case was straightened out it would be all right," and I looked and went away. I says, "gentlemen, I will go now."
- Q Did you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together, is that right? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call up the case.
- Q The next morning? A Yes, sir.
- Q Had there been any additional evidence offered? A No, sir, there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q Was it called up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the court were present that morning? A There were only two, two full-blooded Indians.
- Q Could they speak english at all? A They could talk a little, talk some.
- Q Did that Court have open sessions all the time or that is called executive sessions sometimes? A Well, I don't remember about that: it was generally when the case was submitted the attorney would go out. The parties would go out and they would determine the case.
- Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
- Q And was the decision rendered that morning in their favor? A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Dunson, the clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
- Q Well, did he send any money afterward? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
- Q What did he direct you to do with it? A He directed me to give D. W. C. Dunson half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
- Q Did he direct you to turn any of that and if so how much, to D. W. C. Dunson? A He told me to give him half of it.
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Mr. Arthur Baker was the principal witness in behalf of the Deved case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Just submitted it on the testimony? A Yes, sir.
- Q Are you a member of the Cheyenne Tribe? A Yes, sir.
- Q Were you ever and named in the Cheyenne Nation? A No, sir, I was born in the old Nation.

Q When did you come to the Cherokee Nation? A I came here in 1887.

Q How long have you been practicing law in the Cherokee Nation?

A I think since '88.

Q You have done a great deal of citizenship business here, is that right?

A Yes, sir.

Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.

Q Were you convicted there? A Yes, sir; I was convicted there on this very case.

Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 29 of them, and I was released.

Q When was that? A I don't remember how long ago it was then.

Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Glen Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.

Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the rail for fraudulent purposes.

Q Sending out representations and obtaining cash for citizenship for people of the Cherokee Nation? A No, sir, I was for answering correspondents.

Q Not relating to this case at all? A Well, this was the main charge, Glen Rogers went before the Court there and stated that I had got in at least three hundred dollars, that they were these people and not entitled to citizenship and that was the main trouble.

Q Well, now, was the charge based upon that or was it based upon your letters you went out to other people? A That was the charge for using the rail for fraudulent purposes.

Q The use of the rails for fraudulent purposes, but in connection of this case was it? A Not particular of this case.

Q Then the trouble you had was the practice of Glen Rogers and others caused by your connection with the business case? That is what you mean to say? A Yes, sir.

Q Why did you say because you were charged with an offense based upon this case? A Well, the practice goes out of this case.

Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.

Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.

Q Yet when you came on the stand you seemed to have conscientious scruples as to answering as to matters which occurred between you and your client, Rud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.

Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he authorized me and I come down here and I didn't want to make a statement to him but he insisted.

Q He had no power to compel you to make a statement? A No, sir.

Q You could then make it very freely and your conscience did not hurt you, did it when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.

Q But you had stated that with a conscience or with a good conscience you these questions when you came on the stand? A Yes, sir; Mr. Hastings.



Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?  
A No, I didn't know that I would be required to make a statement in the Nation, a sworn statement.

Q You thought you would not be required to answer?  
A I didn't think the law would compel me to make a statement.

Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.

Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemaker both.

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.

Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your agent to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.

Q If he would put up you would not testify? A That they could not force me to testify.

Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Old Graham; "you people are on the doubtful list and if you will give me \$500, I will make it all right and see that you are enrolled and if you don't I will see that you don't get on?" A No, sir; I got a letter from Old Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir," I didn't take any bid, that is I didn't set no price with him.

Q You did not say to him then that I have embraced in that question here? A No, sir.

Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.

Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you send for him to come to the hotel? A In answer to his letter.



A Did you not yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemaker say to him: "You have made a great mistake in not keeping me your employment and we have the Dawsons and it will be hard for you and they will not do it?" No, sir; I say to Mr. Shoemaker, "I have kept you employed in your case," and he says "I have kept you in my case," I said "It might have been a advantage to you if they had retained me in your matter;" Well, he says "I have kept you in my case" and I say "No, there is nothing wrong in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I say "there is not a thing on earth wrong in your case as I know it and I am fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am cautioned on the part of the Nation and I don't want to make a statement and I won't if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had required to answer you would have gone to jail? A No, sir; if they had employed me before hand I need not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information did you know that you had to give him any information? A No, sir; I know that.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told you that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter -- I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, I told him I could make a statement in confidence, and that I didn't want to make a statement before the court.

Q Well, what did he reply, as you said just now? A Oh, he says "make the statement" and then I told him -- I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it won't make any difference or so on, to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used?

A Well, I didn't think that I could be forced to make a qualified statement before the court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "it would have been better for you." Now, he offered to when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

Q What was not your price? A No, no, I had nothing to say in his case that would be to his advantage, I knew nothing against him.

Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Defendant? A I was not in the Court house.

Q You were present in jailhouse? A Yes, sir.

Q How long had you been at Fallowah? A I was living there at that time.

Q When were you first employed by them? A By Dawson?

Q Yes, sir. A The evening before the case was tried.

Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.

Q And told you to hand to Duncan? A No, sir.

Q What was your statement? A That he paid me \$20 and says "I will send you more more in a short time, week or so.

Q And then he sent you \$100? A Yes, sir.

Q And wrote you to give B. W. C. Duncan \$50 of it? A Yes, sir.

Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.

Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.

Q How much did he pay you? A I think there was \$250. Now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "Have you got a letter from Dawson?" I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Stapler's and got it signed-- I won't be sure about it being \$50 or \$100-- I went to Stapler's and got him to cash the check and give him his part of it.

Q How much did they pay you for your services? A That is all I got.

Q How much? A I think it was \$100, \$120.

Q What did you do for them? A Didn't do a thing, only called up the case and submitted it; never read the evidence.

Q Submitted it without reading? A Yes, sir.

Q And for that you say I got paid you \$120? A Yes, sir; \$120.

Q Was Houston Benge present when that was one? A No, sir; I don't think he was.

Q Did you see him then at that time in Fallowah? A I don't remember.

Q Were you associated with him in any manner in connection with the case? A No, sir.

Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.

Q Were you paid like fees in other cases for like services?

A Yes, sir.

Q In many of them? A Yes, sir, good many.

Q All like cases? A Oh, citizenship cases.

Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Hallett can remember, he was there, he was my attorney.

Q Was it about 1887? A It was somewhere along there, along in 1886 somewhere.

Q What has been your principal business as a lawyer, has it not?

A Yes, sir.

Q You have never practiced much in any other way have you? A Very little.

Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case in by request of Mr. Dawson. I read the evidence; didn't know what proof there was in it; he just asked me to call the grand jury.

Q And he agreed to pay you for a family for doing that? A Yes, sir.  
Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case? A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Afton.

Q How old are you? A 75 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawson? A I knew old man James Dawson.

Q This is the one I mean, old man James Dawson? A Yes, sir; I knew him.

Q How long have you known him? A Well, some four or five years.

I swear.

Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 or 75 years.

Q Well, when did he come to the country, do you know? A About about somewhere in eighty if I recollect right, might have been later than that.

Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he became a citizen of the Cherokee Nation, about the circumstances? A He, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

I. R. MCKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBOARD, being duly sworn, testified as follows  
 in and out of the Cherokee Nation:  
I. R. HUTCHINGS:

Q State your name? A J. L. Clinkenboard.

Q What is your post office address? A Vinita.

Q How old are you? A 56.

Q Were you ever an applicant for citizenship before the Texas citizenship court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Buck Dawson?

A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, ran by the name of Sharber.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

A Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?

A Well, we were there on the saw business and we talked about it at different times, all in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 35 or 36 years old, he said, and he hadn't come and said he was to have got him there, but he hadn't come.

Q Well, what did he say about the doctor's knowing anything?

A Well, he said he was 35 or 36 years old or didn't, nor straight up.

Q Well, did he say anything about giving him whisky?

A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.



Q ... about ... in Texas or Indian ... A Well, he said ...

Q ... a thousand dollars on it and not be hurt ... A Well, he said ...

Q ... that he could stand more than that ... A Well, I don't know ...

Q ... where did he go from there? A He and I left there together ...

Q ... did you ever see him after that? A I saw him about two years ...

Q ... did you refer to the citizenship matter? A I asked him how he ...

Q ... was he deformed in any way this man? A He had a crippled hand ...

Q ... your first conversation with him was in '81 was it? A Yes, sir ...

Q ... were you an applicant for citizenship? A Yes, sir ...

Q ... were you still an applicant? A No, sir ...

Q ... you are still working to get in as a citizen of the Cherokee ...

Q ... that business are you in now? A I am running a dairy in Vinita ...

Q ... when did you make these statements now to the representative of ...

Q ... how did they ever know that you had had these conversations with ...

Q ... you don't know how they found that out? A No, sir ...

Q ... you say you saw Mr. Hastings here last Saturday? A Yes, sir ...

Q ... now, did you approach him or did he approach you? A He ...



- Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
- Q Do you run a dairy wagon there? A No, sir.
- Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.
- Q Generally? No, sir.
- Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of theerokee Nation:  
MR. HUTCHINGS:

- Q State your name? A C. G. Braught.
- Q What is your age? A 62 29th day of last January.
- Q What is your post office? A Fairland.
- Q How long have you been living in the neighborhood of Fairland? A Been living there 19 years.
- Q Do you know one Bud Dawson or P. H. Dawson as his name is? A I do.
- Q How long have you known him? A About 13 years.
- Q How close do you live from him? A Half a mile of him.
- Q Does he still own that place? A I think he does.
- Q Were you an applicant for citizenship along about '81 or '8 at Tahlequah? A Yes, sir.
- Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
- Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.
- Q Did he state the name of that witness? A No, he did not.
- Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
- Q Do you know what time of the year that was, whether it was in the summer or not? A I think it was in June.
- Q Did he make any other statements to you at any other time? A No, sir, I don't think he has in regards to that matter.
- Q You have been living neighbors with him? A Yes, sir.
- MR. MCKENNON:
- Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
- Q You were an applicant; were you admitted? A No, sir.
- Q Have you been admitted? A No, sir.
- Q You are still an applicant? A Yes, sir.
- Q Still trying to get in? A Yes, sir.
- Q Where was this conversation had? A Had at Bud Dawson's house.
- Q What part of the premises? that is, in his residence? A Yes, sir.
- Q In the house? A Yes, sir.
- Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
- Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
- Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.  
 Q He and you are enemies are you not? A No, I don't think we are enemies.  
 Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.  
 Q Haven't you had considerable trouble about the lands between your farms? A No, sir, we ain't had any trouble.  
 Q Didn't you have his little boy arrested recently for a difficulty?  
 A Yes, sir.  
 Q And you say that you are not on bad terms with him?  
 A Why we speak, have conversation, have right right along all the time.  
 Q Is it not a fact now that you and he have been all the while at odds? A No, sir.  
 Q You don't have any unkind feeling towards him? A No, sir.  
 Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 9:30 o'clock to-morrow morning.)

March 19, 1903.

Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of Counsel for Applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

G. W. BRAUCH, re-called, further testified:

MR. MCKENNON:

Q Mr. Brauch, you were a claimant under the Watts family are you not? A Yes, sir.  
 (Witness excused.)

CHARLES D. KENNY, being duly sworn, testified as follows on part of the Cherokee Nation;  
 MR. HUTCHINGS:

Q State your name? A Charles D. Kenny.  
 Q What is your post office? A D. Wood Now.  
 Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.  
 Q Recognized as such are you? A Yes, sir.  
 Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewhere between 44 and 45 years old.  
 Q Were you personally acquainted with one Elbert or Buck Dawson?  
 A I knew Buck Dawson when I saw him.  
 Q Did you know him at the age of seven, if so state what time?  
 A I know Buck Dawson, knew him and saw him at different dates in Texas.  
 Q Well, in the year '81 in Uley County, Texas, did you ever see him?  
 A He was in '81 or '82, I think I knew him in both years.  
 Q Did you ever have any conversation with him in the presence of your uncle, Jiles Martin and Joe Plaster about his citizenship for citizenship in the Cherokee Nation? A Yes, known and I was there talking in regard to give down those lands to me and my son.

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke; "if I was an Indian I would not be punching cattle, I would have steak eating my grub."  
Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.  
Q Who was that? A Buck Dawson.  
Q Well, did anybody suggest about his going to the Cherokee Nation?  
A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."  
Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flipin says "Hell, I am going; brother John is getting ready to go now."  
Q Well, then what did he say to you? A He says "who are your best lawyers up there, Kenney," and I told him "Hoolley Bell was counted the brainiest man in our country."  
Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?  
A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the state of Texas, that is all I know of him.

Mr. McKemmon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKemmon:

Q "Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Ross County, Texas. B. F. Alberty was my guardian.  
Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.  
Q About what time? A It was sometime in '89 though.  
Q That tribunal first? A I don't know; I can't know either when I was admitted, I was re-instated at Council.  
Q When? A I think it was in '87 or '88.  
Q Haven't you been arrested for crime and charged with crime?  
A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.  
Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.  
MR. HASTINGS, of Counsel for Cherokee Nation:  
Q Were you ever convicted? A No, sir.

Mr. McKemmon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.  
Q What is your post office? A Melvin.  
Q What is your age? A 49.  
Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him five or two.

Q Were you in Tallapoosa about the time he had an application before the Spears or Snake Paddy Citizenship Court? A Yes, sir; I was there about the time the case was settled.

Q Did you know Aaron Butler? A Yes, sir.

Q Who was he? A He was a Cherokee Interpreter for the Court.

Q Do you know James Smith? A Yes, sir.

Q Who was he? A He was the Nation's attorney before the Court.

Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.

Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.

Q Well, did he say anything about whether he could get his case submitted if he had more money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.

Q Well, did you let him have the ten dollars? A Yes, sir.

Q Where did they go then? A They walked off up towards town.

Q Did they go together, those three? A Yes, sir.

MR. MORENO:

Q Was that James Dawson, the leading applicant in that case?

A Yes, best of my recollection that was.

Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.

Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.

Q Is he living or dead? A I don't know.

Q Where have you been living? A I have been living down here near Tallapoosa.

Q What was the man's name, Dawson's name? A Jim Dawson I think.

Q You are certain of that? A Yes, sir; I am pretty certain.

Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.

Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.

Q When did you first make a statement of this matter to anybody? A I guess—I don't remember when.

Q How long have you been in Muskogee this time?

A I have been here since, I was summoned here last Friday.

Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.

Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.

Q Were you born a citizen? A Yes, sir.

Q You weren't admitted to citizenship by the Courts or Councils?

A No, sir.

Q You have been living in the Cherokee Nation all your life?

A Well, I was born and raised here; I haven't been here all the time; I have been out and in.



Q We have never seen that man Brewer since? A If I have I have never known it, but I went with the next day.  
 Q Your name was not on that list of names, was it?  
 Q You think he was about 25 or 30 years old? A That would be my guess at it, by recollection.  
 Mr. McKeman: Applicant's object to the testimony of this witness, all of it, because it is totally incompetent and irrelevant.

CHARLES A. BREWER, being duly sworn, testified as follows on behalf of the Cherokee Nation:  
 MR. BREWER:

Q State your full name? A My husband's name was O. P. Brewer, but personally I sign my name Mrs. D. A. Brewer.  
 Q What was your full maiden name? A Delia A. Young well it was really Delia but I never was called by that name, it was De altogether in 7 years ago.  
 Q What was your father's name? A His name was Joseph Vann.  
 Q Was he called by any nicknames and if so how many, and what?  
 A None but the Cherokees, the full-bloods called him Joe Vann.  
 Q What does that name mean when you talk English? A Rich Joe.  
 Q How big of a man was that Joe Vann? A I don't know.  
 Q Was he larger than the other Joe Vann?  
 A There was another Joe Vann? A Yes, sir.  
 Q Did your father have any sisters and brothers? A He had quite a number of sisters.  
 Q Did he have a half sister? A Had two half brothers.  
 Q Did he have a half sister? A Had several half sisters.  
 Q What did they marry? A Different persons; I know the names of all of them but I have a bad memory, but I know that there was one, Mrs. Iphis Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.  
 Q Well, did any of your father's sisters or half sisters ever marry a Negro? A No, sir.  
 Q Never had any Negro kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.  
 Q The Dawson ones was talked of here for many years, they claiming kin?  
 A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.  
 Q They never claimed kin at all? A No, sir.  
 Q Did your father ever had a sister or half sister by the name of Annie, Anne or Alsey? A No, sir.

Mr. McKeman: Applicant's object to all the testimony of this witness because it is incompetent and irrelevant.

CHARLES TOLLIVER DAWSON, being duly sworn, testified as follows on behalf of the Cherokee Nation:  
 MR. DAWSON:

Q State your name? A Charles Tolliver Dawson.



Q What relation are you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.

Q Who was your father? A Samuel Riley Dawson.

Q What did you say your father's name was? A Ellis Dawson.

Q Do you know what his full name was? A Samuel Riley Dawson.

Q What children had your father? A Why, he has got, you mean his first children or his whole family?

Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.

Q Just one or two of them I care for; is Mrs. Lewis your sister?

A Yes, sir.

Q Your full sister? A Yes, sir.

Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.

Q How was she the parents of your father, Samuel Dawson?

A My Sam Dawson was his father.

Q Sam Dawson was his father? A Yes, sir.

Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.

Q What was her given name? A Annie.

Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.

Q Saw him? A Yes, sir.

Q Do you know about how old he was when he died? A He was somewhere up about 90.

Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.

Q Was your father his youngest child? A Yes, sir.

Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.

Q He died in about '90 and was about 67 years old when he died?

A Yes, sir.

Q And he was the youngest child? A Yes, sir.

Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.

Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?

A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.

Q Well, what did he say about it? A I have heard him say his mother was not an Indian.

Q Did your father come here and apply once for citizenship?

A Yes, sir.

Q Was he admitted? A I think not.

Q Did you hear him make any statements about he ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.

Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKernon: Applicant's object to the testimony of this witness because it is wholly irrelevant and incompetent.

—00000000—

(Taking of testimony continued by stenographer M. D. Green)

I, J. O. Rowson, 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 his stenographic notes thereof.

(Signed) J. O. Rowson.

—00000000—

(Continued from testimony taken by Stone J. O. Rowson.)

March 10th, 1902, at Muskogee, I. T.

Appearances:

Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants.

Mr. F. T. Hutchings, and Mr. E. W. Hastings, attorneys for the Cherokee Nation.

ELMA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A Elma Brashiers.
- Q What was your maiden name? A Elma Dawson.
- Q What was your father's name? A Samuel Riley Dawson.
- Q What was his father's name? A Samuel.
- Q What was your grandfather's name? So far as you know from family history? A Her maiden name was Annie Pruett.
- Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
- Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
- Q And had a sister named Mrs. Petty? A Yes, sir.
- Q And another one named Mrs. McGee? A Yes, sir.
- Q And another brother named John? A Yes, sir.
- Q What relation are you to Mrs. A. S. Lewis? A Sister.
- Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
- Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
- Q About how old were you you were when your grandfather died? A About 6.
- Q Was your father's birth recorded in the Family Bible? A Yes, sir.
- Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
- Q What became of it? A Got burned.
- Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '25.
- Q In 1825? A Yes, sir.
- Q And how old was he when he died, if you recollect? A He was between 64 and '7.
- Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you granddaddy was spoken of by the name of Annie, always? A Yes, sir.

BY MR. McKEMMON: Applicant's object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.

Q What is your post-office? A Dawson, Indian Territory.

Q How old are? A 59 years.

Q What was your wife's maiden name? A Elizabeth Parales Dawson.

Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?

Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margaret, Margaret Queen was her maiden name.

Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?

Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.

Q That is the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.

Q And his wife's maiden name was Annie Pruett? A Yes, sir.

Q Did you know the old gentleman, Samuel Dawson, your wife's grandfather? A Yes, sir.

Q Personally? A Yes, sir.

Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and he visited very often.

Q When did he die? A '74.

Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.

Q And when was your first child born? A He was born December, '73.

Q You know how old your wife's father was when he died? A Why he was up in 60, but I don't remember his age.

Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.

Q How old was he at the time of his death? A He was past 94.

Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.

Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his, - oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.

Q Now, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understood it was on account of his grandfather thinking so much of Robert Pruett.

Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.

Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A Well, now don't I know personally?

Q Yes, sir? A John James, and Samuel R. Dawson were the only ones of his children that I remember personally.

Q Well, remember what you know of his family, was other children did he have? A Well he had two girls, but I understand the father's history, he had two girls, first, and John James was the third child, and the oldest boy was John D. Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q Which was the oldest girl? That is not known by now? A I think it was Mrs. Potty, nee Battie Dawson.

Q And John Dawson was the oldest boy? A Yes, sir.

Q And Samuel R. Dawson was the youngest boy? A Yes, sir.

Q You know anything about the Mrs. John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know that the oldest son and his wife told me.

Q That was that? A They said he was born in 1811.

Q Who was his oldest son? A Tollyer E. Dawson; told me his father was born in 1811.

Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.

Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.

Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.

Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.

Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. ROSENTHAL:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir, for my wife.

Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '88, I couldn't say as to the date.

Q Before the Cherokee authorities? A Yes, sir.

Q Did he file an application before the Dawes Commission in 1896 also? A Him.

Q Yes, sir? A I don't think he did, no sir.

Q Did you? A I did.

Q On account of your wife? A Yes, sir.

Q Did you take affidavit to that application? A No, sir.

Q Who did? A I don't know, don't remember now.

Q You applied for your wife as an Indian by blood did you not? A Yes, sir.

Q Are you still an applicant? A No, sir.

Q Is that? A No, sir.

Q She was denied was she? A Yes, sir.

Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the same, and then I appealed it to the District Court, and it was rejected there and then I stopped.



Q Have you ever been arrested for any crime? A Yes, sir.  
 Q What? A Charge of murder.  
 Q Anything else? A No, sir.  
 Q Committed on the train? A Yes, sir.  
 Q Is a train robbery? A Yes, sir, in a train robbery.  
 Q How long did you remain in jail? A I appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.  
 Q That all the crime you were ever charged with? A Yes, sir.  
 Q Haven't you been having some trouble with the Dawson family?  
 A Well we personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law are my friends.  
 Q You are not friendly with the Dawson family? A That son-in-law Mr. Woolley, anyhow, don't speak, and I don't think his wife speaks to me either.  
 Q Well you are claiming some sort of lease on the Woolley farm, aren't you? A No, sir, I don't claim any lease on the Woolley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A B. W. Alberty.  
 Q What is your post-office? A Tahlequah.  
 Q What is your present official position in the Cherokee Nation?  
 A Assistant Executive Secretary of the Cherokee Nation.  
 Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.  
 Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.  
 Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and sends to Nation's attorney.)  
 Q Where did you find those papers? A I found them in the case in which papers of that character are filed away in the Executive office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Albert, Jasper, John, Francis, Carlton, Josephine, Susan, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. MCKENNON: Is the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indeed as follows:

"No. 108, Rob. Dawson, Albert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Mollie Dawson, Wilburn Dawson, Janet Dawson, Rial Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 21, 1891. Admitted Jan 11th, 1893, D. W. O. Dawson, Clerk."  
 In Council: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commissioner on Citizenship,  
 Cherokee Nation, Tahlequah, January 11th, 1893."



No. 103 Robert Dawson, "et al,"  
vs.  
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker when testified as follows. My name is Arthur Baker I reside at Memphis, Arkansas in Carroll County, my age is 72 years, I am not a Cherokee. I lived in the Cherokee Nation about three years when I first of all saw the claimants. I have been acquainted with him since he lived in the town of Carroll County some thirty five years. (I live at Memphis the last three words.) 35 years at my place near Calhoun I became acquainted with the claimant Mrs. Dawson grand mother on mother's side, she was frequently at my mother's house; though she Anna Pruitt lived in the Nation side. She claimed to be a half sister to Big Joe. Mrs. also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house was the claimant's mother was about grown, when I was a lit in boy she called her daughter Polly Rogers said Capt. John Rogers was ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rogers store I saw her occasionally when I was 15 or 16 years old and I think then old Capt John Rogers took her off to school. I saw her no more from the time old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson. I stayed all night there and she and I had a talk over our old man's son, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that previously in the words she used.

Capt. John Rogers claimed to be the fourth of the claimant in the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruitt, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiwassee River.

Anna Pruitt resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawson's children is Buck, John, Harrison, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

- Ques. 1 How many children did Polly Rogers have?
- Ans. 1 Five, I think that's all.
- Ques. 2 Did you say anything about someone being married twice?
- Ans. 2 The claimant was married once.
- Ques. 3 Could Anna Pruitt speak Cherokee?
- Ans. 3 Yes she could speak it well.
- Ques. 4 Did Polly Rogers speak Cherokee?
- Ans. 4 She could speak it well.
- Ques. 5 How far did you live from Mrs. Pruitt?
- Ans. 5 Just across the river about 12 or 15 miles.
- Ques. 6 Was Calhoun in the Cherokee Nation?
- Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?  
 Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.  
 Ques. 8 Did the claimant go to Texas?  
 Ans. 8 No the claimant didn't go to Texas.  
 Ques. 9 What connection was claimant and Polly Rogers?  
 Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.  
 Ques. 10 Where does claimant now live?  
 Ans. 10 He lives in Carroll County, Arkansas.  
 Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Coovescoovee?  
 Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.  
 Ques. 12 Was Anna Pruet the maiden name of claimant's grandmother?  
 Ans. 12 Yes that was her maiden name the Indians called her Sinee.  
 his

(signed) Arthur. A. x Baker.  
 Mar

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is endorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Texas Court in 1883. A. Riley Dawson's step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope N. 131, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.  
 (Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:

"No. 131. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept. 13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.  
 Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,  
 No. 131. vs for his grand children,-  
 Lulu Dauthett,  
 Dallas Dauthett,

F. M. Dawson for claimant introduced sworn and in open Court testified as follows:

My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation or 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old -- She has been dead about 4 years as well as I can recollect, she was about 17 years old when she was married.

his  
(signed) F. H. x Dawson,  
Mark

Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, Sept. 14, 1903.  
No. 181 E. Dawson  
for his grand children  
Lulu Dauthett  
Dallas Dauthett

Joseph Dawson introduced for Claimants. sworn in open Court testified as follows:  
Jos. Dawson, an a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fawnie Dawson was their mother. Fawnie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lulu, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognized them as his grandchildren and I have known them ever since they were born.

By Solicitor:

Lulu is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother had been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fawnie, Francis, Cartenas, Zanio, Bob, Smith, Worth, Bert, Ella. All living but two, Fawnie and Smith. They are all living in Texas when I left there. I am a brother to F. L. Dawson, we are full brothers. My father has been admitted to Cherokee citizenship by this Court.

his  
(signed) Joseph x Dawson,  
Mark

To the Commission of Citizenship,  
Tahlequah, C. N. Sept. 12, 1903.  
H. Dawson for grandchildren,  
Lulu Dauthett,  
Dallas Dauthett,  
vs  
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Lulu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged dispenses by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a special and favorable consideration of our claim.

(signed) E. Dawson for grand children,  
By C. H. Taylor.

This last document is inserted on back as follows:  
"No. 181, Petition of Isaac Southett & Dallas Southett, for Citizenship filed Sept 14, 1883, H. F. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 28, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKEE: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,  
Table A, C. N. August 11th, 1887.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	68		Catoosa,	
	2 Parlee Dawson,	44	female		
507	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	37	"		
	5 J. G. Dawson,	31	male		Bell &
	6 Elias F. Dawson,	29	"	Applicant for)	Bryant.
	7 Toliver Dawson,	27	"	Cherokee Nation.	
	8 E. A. Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancutor	
	13 Cleveland Dawson,	5		John Rogers	
	— filed August 11th, 1887.				

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Gailney Pruitt, and so be a half white of Joseph Vann, commonly known as Rich man, who was of Cherokee blood. It is admitted that John Rogers and Gailney Pruitt died before the fall upon which their names would appear if living at the time specified in the 7th section of the Act of December 29th, 1860, creating the Commission on Citizenship, whereupon the law in support of the application is urged that certain members of the Dawson family and full brothers of the applicant were so admitted to citizenship by the Commission on Citizenship created upon the

"The Tohee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 21, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the Chief States." As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant a hearing upon either of said rolls the Commission judge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Brown, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Rose,  
Chairman.

This April 26th, 1889.  
(signed) D. L. Williams,  
Cl'k Com'n."

(signed) R. Bunch, Commissioner,  
John E. Gunter, Com'r.

BY MR. HUTCHINGS: The Nation has introduced the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Docket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889 Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al., ) Office Com. On Citizenship,  
(vs) ( Tahlequah, I. T. Sept. 27th, 1888.  
Cherokee Nation. )

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:



I am a citizen of the Cherokee Nation and reside in Coowescoowee Dist, and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him approximately about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me. - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Connell Rogers,  
Clk. Cor. on Citizenship.

This document is indorsed on back as follows:

"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1887.

Packet No.	Name	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

509

C. H. Taylor.

vs.

Applicant for  
Cherokee Citizenship,  
Census Rolls 1835  
Ancestor,  
Riley Dawson.

Cherokee Nation.

In red ink along age column are the words: "Rejected April 20, 1889."

"Adverse to Claimant.

See decision in this case in Vol. 1 of R. R.

Docket in Book (3) Page 20.

This April 20, 1889.

D. S. Williams,  
Clk Com.

Will P. Ross,  
Chairman  
J. L. Carter, Cor.

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 198, of Rebecca Dawson, being the application and judgment in the case, also the judgment is copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. MCKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"198, 1, Name Rebecca Dawson; APPLICANT FOR CHEROKEE CITIZENSHIP. Address: Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Nation, Filed the 5 day of Oct 1837, Docket 1617 Book C Page 144, Testimony on Journal- Page - - Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. RABBIT, AUG. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship: Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1868, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokee s by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmet, Ohio. No. family with their relationship attached is as follows:

No	Name	Sex	Age	Relationship.

In witness o which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Doudinot & Rabbits,  
Attorneys."

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind., Ter.  
Tahlequah, August 28th, 1889.

Rebecca Dawson)  
v. S.

Cherokee Nation.) The above case was called and submitted by

Remains without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and is not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas - - I. T.

(signed) WILL P. ROSS,  
Chairman,  
J. E. Gunter, Com."

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

\*Rebecca Dawson.  
OFFICE COMMISSION ON CITIZENSHIP.

Docket No	Names	Age Sex	Post Office Attorney.
1	Rebecca Dawson	48 female	Emmet, I. T.

1017

Roudinot & R.  
Applicant for  
Cherokee citizenship.

Census Rolls, 1835,  
to 1852.  
Ancestor,  
Moton.

V. S.  
Cherokee Nation.

Office Commission Citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug. 23th, 1889.

The above case was called and submitted by Attorney Remains without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to citizenship in the Cherokee Nation.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nation next introduces the original envelope and contents in the case 193, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145, - said judgment being rendered August 23th, 1889.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"193, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of -- 18-- Docket 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 23th day of August 1889. submitted by Mr. Remains, Aug. 23, 1889."

**"APPLICATION FOR CITIZENSHIP".**

For Citizenship:

Gentlemen:- The undersigned, your petitioner, this day taken this his application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1836, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Loton who was duly enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken & made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully avails the time taken her Application shall be truly heard and tried in accordance with the aforesaid Act.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	Male	18	Son.

In witness of which a public attestation I herunto set my hand on this the 4 day of October 1887.

Mary Dawson,

Wardlaw & Rogers,  
Attorneys."

COMMISSION CITIZENSHIP,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, August 20th, 1889.

Mary Dawson,  
vs  
The Cherokee Nation ) Application for Cherokee  
Citizenship.

The above named case having been submitted by W. F. Rogers, Attorney for plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 18 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

W. P. Ross,  
Chairman,  
J. E. Ginter, Secy."

Said envelope also contains the following:

**APPLICATION FOR CITIZENSHIP**

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day taken this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1836, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That Juan K. P. Dawson is the son of one Wiley Dawson the the undersigned truly believes was duly enrolled upon the - - - Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully avails the time taken his Application shall be truly heard and tried

In accordance with the aforesaid law.  
Age - - years; Post-office - - -; Family with their relation-  
ship attached is as follows:

NAME,	Sex	Age	Relationship.
William A. Dawson	male		Son.
Richard A. Dawson,			

In witness of which application I hereto set my hand on this  
the 4th day of Oct 1897.

(signed) James K. M. Dawson,  
C. H. Taylor, Attorney."

The judgment as recorded in Book C, page 147, of the  
records of the Cherokee Commission on Citizenship, is as  
follows:

"Mary Dawson,

Office of Commission Citizenship.

Tablets, Ind. Terr., Oct. 5th, 1897.

Booklet No.	NAMES	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	Female	Bowie, Texas.	
2	Walter Dawson,	18	Male		

Boudinot & H.

Applicant for  
Cherokee Citizenship.

Census Rolls 1835 to 1852  
Ancestor

vs.  
Cherokee Nation.

Office Commission on Citizenship,  
Cherokee Nation, Ind. Terr.,  
Tablet No. 1, Aug 20th, 1899.

The above case having been submitted by W. F. HARRIS,  
attorney for said act, without evidence, the Commission decide that  
Mary Dawson aged 54 years, and her son Walter Dawson aged 18  
years are not of Cherokee blood. Post. of the Bowie, Texas.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. ... Carter, Com."

BY MR. HUTCHINGS: The Nation further introduces the original  
envelope in the case of Andrew J. Dawson, which said envelope  
contains his original application; also the judgment in that  
case recorded on page 33, of Book A, of the records of the  
Citizenship Commission of the Cherokee Nation, which said  
records are now in the custody of the Commission; the judgment  
is dated April 20th, 1899.



BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Locket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. REjected."

The contents of said envelope are as follows:

"To the Commission on Citizenship,  
Tahlequah, I. T.,  
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	Female
William H. Dawson,	11	"	Male
Jessie K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	Female.
V.S.			
Cherokee Nation.			

Know all men Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to citizenship by the Territorial Court on citizenship, which is matter of record, we submit that as proof of the justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,  
Post-office, (signed) A. J. Dawson &  
Nevada, Mo. Five children,  
by C. H. Taylor,  
Attorney."

The judgment just introduced and found on page 33 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,  
Office Commission Citizenship,  
Tahlequah, C. N., Feb'y 11, 1887.

Docket No	Name	Age	Sex	
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
2	E. E. Dawson,	16	"	"
3	Olive M. Dawson,	14	Female	"
4	William H. Dawson,	11	Male	Applicants for
5	Jessie K. Dawson,	9	"	Cherokee citizenship,
6	Glennie D. Dawson,	8	Female	C. H. Taylor.
				Rolls 1835,

Rejected April 26, 1889, (red ink.)

V.S.  
Cherokee Nation.

Answers,

filed July 11, 1897.

Alverse.

See decision in this case in report of L. P. Dawson, p. 11, p. 20.  
filed April 28- 1899.

D. S. Williams,  
"CIA COM."

BY MR. HUTCHINGS: We next desire to introduce the records in the case of Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,094. And the judgment of said case on Page 29, Book B., Dawes Commission Record, 1897. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McRAMMON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,  
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind. Ter.,  
Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed  
to S. H. Dawes, Tahlequah, I. T., (signed) D. A. Fryser,  
D.-P.M.

"Commission to the Five Civilized Tribes,  
Vinita, Ind. Ter., Sept. 7, 1896.  
Send at you such to your petition.

Evidence of service of copies of Chief or Governor  
may be secured as follows: If convenient get his receipt to  
file with your papers. If you cannot do this, register to do,  
and have some interested person to make affidavit in form  
shown as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day  
of September, 1896, I saw a package registered at the Post  
office at Vinita, Indian Territory, addressed to Hon. S. H.  
Dawes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that  
the registry receipt no. 409, received from postmaster, hereto  
attached, is a receipt for said package, which contained true  
copies of the application of Andrew J. Dawson, and of the  
affidavits of E. Dawson and T. H. Dawson in support of same.  
(signed) S. H. Davidson.

Subscribed and sworn to before me, on this 7th day of September,  
1896.  
(seal) (signed) W. H. Kornegay,

Notary Public, First Judicial Division,  
of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly accepted for by the Chiefs and Governors.

xxx

For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald B. McKennon, Thomas R. Cabanis and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson, ~~Willia--H--T--Dawson--Jesse--K--D.~~ (Line in ink drawn through these names) for and on behalf of Bonnie E. V. Dawson, Olive Hand Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the lands and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1820 & 1833 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,

Andrew J. Dawson,  
attached, as follows:  
Relationship.  
Daughter,  
Daughter  
son,  
son,  
daughter.  
brother.  
Nephew.  
Niece.  
Nephew.  
Niece.

Names.	Age.	Relationship.
Minnie E. V. Dawson,	25	Daughter,
Olive Hand Dawson,	23	Daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	18	Nephew.
Maggie E. Dawson,	9	Niece.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Niece.

IN WITNESS WHEREOF, I herunto set my hand this Third day September 1896.

(signed) Andrew J. Dawson.\*

Notary Public

Indian Territory,  
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, and Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Kawatchie river while emigrating to the West.

(signed) Andrew J. Dawson,  
Subscribed and sworn to before me this 15th day of September 1899.

(Seal) (signed) J. A. Tillotson,  
Notary Public.  
Commission expires June 1st 1899.

Indian Territory,  
Northern Judicial District (ss. )

Andrew J. Dawson, of lawful age, being by the first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, and Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Kawatchie river while emigrating to the West.

Andrew J. Dawson further says that Samuel Dawson and Polly Rogers are his grand father and grand mother and that Captain John Rogers was recognized by the Nation Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation in 1852 as follows: An act of the Council of 1842 page 65, an act of Nov. 17th 1843, page 26, also an act of Nov. 16th 1849 page 104.

Andrew J. Dawson further says that he is a blood relation of T. Dawson, J. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear on the authenticated rolls of 1893.

(signed) Andrew J. Dawson,  
Subscribed and sworn to before me this 15th day of September A. D. 1899.

(Seal) (signed) J. A. Tillotson,  
Notary Public.  
Commission expires June 1st 1899.

Indian Territory,  
Northern District.

T. H. Dawson, of lawful age, being by the first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

his  
(signed) A. L. Dawson  
mark

Subscribed and sworn to before me this 4th day of Sept 1896."

(signed) Frank L. Searp  
Notary Public. (Seal)"

"Ind Ter  
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 18 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,  
Notary Public,

My commission expires June 3, 1899.

(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation filed Sept 7-1896 A. S. McKennon, Com'r."

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabanis, A. B. Montgomery, Commissioners. In the matter of the application of Andrew J. Dawson, Nation's No. .... Commission's No. .... for citizenship in the Cherokee Nation.

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

- 1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.
- 2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondant not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, . . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said Nation; that neither he nor any of his ancestors ever resided, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.



See case Nation's No. 1077.

Having fully answered, your respondent's plea to be hence dismissed.

S. E. Hayes, Principal Chief Cherokee Nation.

B. Hutchings, Hargrave's Band Chief, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answers are true, to the best of his knowledge and belief.

Subscribed and sworn to before me this 5th day of Oct. 1896.

(signed) John L. Adair,

(signed) D. J. Ball,

Notary Public.

(Seal)\*

Indorsed as follows: "Nation's No. 1079. Commission's No. 4694, In re application of Andrew J. Dawson, DEBUREAUER AND ANSWER. Filed Oct 21 H. E. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 9C, and the Nation desires to call especial attention to the testimony of T. C. Rogers and Sarah Carter as set forth in this case.

BY MR. MCKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

Record is shown by proof herewith filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanna Barber, for and on behalf of herself and heirs, this day takes this their application to you for the purpose of being placed on the regular roll of Cherokee Indians and of those entitled to

share in the distribution of lands and allotments of land in Cherokee Nation, by virtue of his Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. H. Dawson, F. A. Dawson & F. H. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,  
(Signed) Joannah Barber.

Enrollment of Family, with relationship of each member, as follows:

Name	Age	Relationship
Joannah Barber,	66	Head of Family, and wife of Peter
Isaac J. " Husband	67	Peter, deceased
Chris E. "	26	Daughter of Polly Barber, deceased
W. R. "	24	Son of Peter, who was a brother of
James E. "	17	Child of John Rogers and Alice Rogers
Johnny "	15	Child of John Rogers and Alice Rogers
Joel A. Barber	7	Child of John Rogers and Alice Rogers

In witness whereof, I have signed this petition at the City of Muskogee, August 1896.

(Signed) Joannah Barber.

Indorsed as follows: "Pd 2.50 No. 111. Petition of Joannah Barber for land on behalf of her 15 children." "

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, would state and show from the proof submitted to the Commission that he is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My father's name was John Petty. My mother's name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And if ever these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States, and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Therefore she respectfully submit to the consideration of the honorable Commission, such facts and on the hearing of a case adjudged, entitled to be placed on the roll of such Nation, and her name be placed upon the proper roll of such Nation.

(Signature Joannah Barber.)

INDIAN TERRITORY, )  
(SS  
FIRST JUDICIAL DIVISION)

Now on this 5 day of Aug personally appeared before me W. J. Watts a Notary Public in and for the Indian Territory, Joannah Barber, who being duly sworn upon the oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ at 1893.

(signed) \_\_\_\_\_

(Seal)"

\*(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian Territory.

Affidavit of S. R. Dawson.

Delaware District,  
Cherokee Nation,  
First Judicial Division,  
U.S. Court, Indian Territory. } SS

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Asheville, N. C.: that he is fifty-one years of age- that he is well acquainted with the claimant Joannah Barber- that he has known her as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joannah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, an intermarriage with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Alice Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) S. R. Dawson.

(Impress of National Seal)

Subscribed & sworn to before me July 6 1893  
(signed) W. S. Hubbard,  
Notary Public.

United States of America,  
Indian Territory,  
First Judicial Division.

I, William T. Hubbs, a Notary Public within and for the Judicial Division aforesaid, do hereby certify that the next above in this case page of an affidavit is a true and literal copy of the original as presented to me at Talequah, Ind. Terr., this 23rd day of July A.D. 1893.

(signed) William T. Hubbs,

Notary Public, First Judicial Division, Indian Territory.  
(Seal) My Commission expires July 3, 1897."

(A copy)

In the matter of the claim of Joannah Barber (nee Joannah Petty)

to Cherokee Indian Citizenship is the Cherokee Nation,  
Ind. Ter.

Affidavit of E. Dawson,  
Coccos:cowee District,  
Cherokee Nation,  
First Judicial Division, (as  
U. S. Court, Ind. Ter. )

E. Dawson, to me well known to be reliable  
and responsible after being duly sworn according to law at and  
on oath that he is a Bonified citizen of the Cherokee Nation  
by blood- that he is a resident in said Nation at his post  
office address is Talala, Ind. Ter.-that he is 58 years of age-  
that he is well acquainted with the claimant Joann Barber and  
as long as he has known any person- that she is  
a person of Cherokee Indian descent the her maiden name was  
Joann Petty- that she was the daughter of one Elizabeth  
Petty, a person of Cherokee Indian descent- that Elizabeth  
Petty's maiden name was Elizabeth Dawson- that said Elizabeth  
person was the daughter of one Polly Rogers a person of  
Cherokee descent, who intermarried with Samuel Dawson, a white  
man, that the said Polly Rogers was the daughter of Captain  
John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the  
result of this application.

(signed) E. Dawson.  
subscribed and sworn to before me this the 24th day of Febr'y 1897

(signed) A. B. Williams,  
Notary Public.

(In presence of  
National Seal  
Ind. Ter.)  
Cor. Expt. Sept. 26/96.

United States of America,  
Indian Territory, SS.  
First Judicial Division.

I, William F. Ramus, a Notary Public within and for the  
First Judicial Division, Indian Territory, do hereby certify  
that the next above and the within one page of an affidavit  
is a true and literal copy of the original presented to me at  
Tahlequah, Ind. Ter. this the third day of July A.D. 1897.

(signed) Wm. F. Ramus.  
(Seal) Notary Public, First Judicial Division: Indian Ter 1-  
tory, My Commission Expires Febr'y 7, 1897.)

United States of America,  
Western District of Ark no 8. SS.

In the case of one Joann Barber claimant for citizenship  
in the Cherokee Nation, Indian Territory, as a Cherokee Indian  
by blood, before Cherokee Indian authority at Tahlequah,  
Cherokee Nation, Indian Territory.

Personally came this day before me William F. Ramus, a  
Commissioner U. S. Court within and for the District aforementioned  
duly authorized to administer oaths W. A. Dawson, to me person-  
ally well known to be reputable and entitled to credit, and  
who being, by me first duly sworn according to law, depose and





"Page 11, Docket "3"

Joannah Barber.  
Office Commission on Citizenship,  
Tahlequah, C. N. August, 1897.  
App. Sec. Post Office. Att.

Docket. No.	Names	Age.	Sex.	Post Office.	Att.
1	Joannah Barber	51	female	Winta, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Eva Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	17	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizen	
8	Joel Barber	31	male	Idola, I. T.	
9	Calaway Barber	27	male		
10	Toliver Barber	26	male	Ancutor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		

V.S.  
Filed Aug. 13, 1897. John Rogers & Aley Pruitt

See decision this case in that of L. E. Dawson, adverse to claimant in this book page 20.  
This April 26th, 1899.

D. S. Williams, Clerk. Will. P. Ross, Chairman, J. E. Gentry, Com.

"S. E. Dawson.

Office Commission on Citizenship,  
Tahlequah, C. N. Aug. 11th, 1897.

Docket. No.	Names.	Age.	Sex.	Post Office.	Att.
1	S. E. Dawson,	50		Caladaga, I. T.	
2	Parise Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J. "	35	female		
5	J. C. Dawson,	31	male		
6	Elias P. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Eva Dawson,	20	female	Cherokee	
9	Fanny Dawson,	15	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancutor	

Filed Aug. 11, 1897. John Rogers

Rejected April 26, 1899.

Now this day comes the above case for final hearing. Samuel P. Dawson bases his application for re-admission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the alleged daughter of Captain John Rogers, and Ailey Pruitt said to be half sister of Joseph Vann's only known as rich and who were of Cherokee blood. It is admitted that John Rogers

William Pratt, his wife, and their children, as provided in the Act of the Act of October 3rd, 1886, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full members of the applicant's ancestry to citizenship by the Commission on Citizenship commonly known as the "Tolson Court" and "Spears Court" and are not residing or born in the Cherokee Nation. In the opinion of this Commission the citizenship of the said applicant which determined the decision of the Commissions on the said application introduced by authority of the Commission of the present applicant is not subject to the issue of said. The 7th Section of the Act of October 3rd, 1886, before me provides that the jurisdiction of any person applying for citizenship in the Cherokee Nation is the group of Cherokee blood or descent, and the applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokee taken by the United States, and hereafter enumerated, neither the name of the applicant nor that of the person whose name appears to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Daniel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokee by blood. This opinion includes the names of Andrew J. Dawson, James M. Dawson, Joannah Barber, ne Joannah Dawson, ne Jane Owen, ne Jane Dawson and their families as enumerated in their respective censuses.

Wm. P. Ross, Chairman,  
 J. Bunch, Commissioner,  
 John E. Carter, Commissioner.  
 This April 20th, 1898,  
 D. W. Williams, Clerk Com."

United States of America, )  
 Indian Territory, (ss.  
 Northern District. )

W. C. Rogers being duly sworn on oath swears and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skis-ah, I. T. That he was born and raised in the above said Indian Territory: that he is 40 years of age:

Affiant further states that he is slightly acquainted with Isena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charles Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiant's grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charles Rogers had one sister and five brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Gravel Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties- except Gravel and Randolph Rogers, who were killed when this affiant was quite young.



Affiant states that she is the daughter of Maggie Rogers; that her grand father on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and believes the contents thereof; that the facts therein set forth are true as she verily believes.

(Signed) Sarah Barber.

Subscribed and sworn to before me this 5th day of October, 1896.

William H. Hall,  
Notary Public,

My Commission expires January 1st 1900.

(Seal)

Before the Honorable Henry L. Brown, Frank C. Arradong, A. S. McKenyon, T. B. - (Name torn off) A. T. Montgomery, Commissioners.

In the matter of the application of  
Jeannah Barber  
et al-  
for citizenship in the Cherokee Nation.

Cherokee Nation's No. 1573  
Commissioner's No...

Your respondent, S. H. Layton, Principal Chief of the Cherokee Nation, comes now to answer the said application, and to set forth grounds thereof as follows:

1st. That the Commission has no jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, in law, to show that the applicants are entitled to citizenship.

Respondent not waiving the above said grounds, but insisting upon the same for answer to said application, says the John Rogers through whom the petitioner claims to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as it was then located and defined; that his name does not appear upon any of the authentic rolls of said Nation; that neither he nor any of his ancestors nor predecessors or heirs have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Layton, Principal Chief Cherokee Nation.

By Hutchings, Hastings & Sandinet, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the entries contained in the foregoing answers are true, to the best of his knowledge and belief.

(Signed) John L. Adair,

Subscribed and sworn to before me this 5th day of Oct. 1896.

(Signed) W. J. Ball,

(Seal)

Notary Public.

Index back as follows: "1894 90 Nation's N. 1872, Commission's 18.... In re application of No 2 John Barber, Demurrer and Answer Filed Mar 13 1897 Jac. A. Winston, Clerk/ Filed Oct 7 1897 H. M. Jacobway, Secy."

\*BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

fully appointed and empowered to Act, under and by virtue of the Act of Congress of June 4<sup>th</sup> 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:

Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Edie E. Barber, Willie E. Barber, James E. Barber, Jennie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Oliver Barber, George A. Barber, Francis O. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Inez Barber.

In the matter of the application for citizenship in the Cherokee Nation of Edna L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for citizenship in the Cherokee Nation of Edna Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rhenby Moore and Gladys Moore.

In the matter of the application for citizenship in the Cherokee Nation of Abbie L. Rust and her child, to-wit: Dorian Rust.

In the matter of the application for citizenship in the Cherokee Nation of Alcey J. Smart and her children, to-wit: Georgia A. Smart and Erzy L. Smart.

In the matter of the application for citizenship in the Cherokee Nation of Joanna J. Garlinghouse and her children, to-wit: Myrtle C. Garlinghouse, Cora L. Garlinghouse and Birtie M. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the claims of the aforesaid claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said claimants, to-wit:

Joel A. Barber, whose maiden name was Joanna Petty, was daughter of Elizabeth Petty, nee Dawson and a granddaughter of Polly Dawson, nee Rogers and a great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.



John A. Barber is the son of Joanna Barber, nee Petty and Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson, nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Barber, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Murray, whose maiden name was Ella Murray, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the proof herein submitted.

Ella Moore, whose maiden name was Ella Moore, is a daughter of Joanna Barber, nee Petty and a great daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a great daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlinhouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you place the name of each claimant, together with the names of their aforementioned children, upon the Cherokee rolls, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(Signed) Hubbard, Carlin & Watts,  
Council for Petitioners.

Indexed as follows: "No 3 Filed Feb 24 1897,  
Jas. A. Winston, Clerk."

Commissioners,  
Henry L. Bates, Frank C. Armstrong, Archibald S. McKelton,  
Thomas B. Cleaveland, Alexander B. Montgomery--H. H. Jacoway,  
Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,  
Wita, Indian Territory, Oct 2, 1896.

Joanna Barber,  
vs.  
Cherokee Nation.

Filed Sept. 3, Answer filed,  
Application denied.

I, H. H. Jacoway, Jr., Secretary, do hereby certify that  
the above and foregoing is a true and correct copy of Cherokee  
Nation A. Page 207 of the Commission to the Five Civilized  
Tribes.

Witness my hand and official signature this 13  
day of Feb. 1897.

H. H. Jacoway, Jr.,  
Secretary."

Indexed as follows: "1864 No. 4 Filed Feb 24 1897  
Jas. A. Winston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED  
TRIBES.

Joanna Barber et al,  
vs.  
Cherokee Nation.

No. 1864.

AFFIDAVIT FOR APPEAL.

Not come to the said Joanna Barber et al applicants for citizenship  
in this case by W. B. Fatts, one of their attorneys,  
and pray an appeal from the decision of the Honorable  
Commission to the United States District Court as provided  
by the Act of Congress approved Jan. 16th, 1886.

And the said W. B. Fatts, being duly sworn and acting  
on behalf of said applicants and that the appeal prayed for  
in this case is not asked for the purpose of delay but that  
justice may be done the said applicants.

(signed) W. B. Fatts,

Sworn and subscribed to before me this 22<sup>nd</sup> day of December  
1896.

(signed) J. C. Lindsey,

(SEAL)

Notary Public.

Commission expires March 24th 1897."

Indexed: "Court '90."

"I, J. C. [unclear], Jr., Secretary of the Commission  
to the Five Civilized Tribes, do hereby certify, in the name of  
the Commission, as follows:

"I have and of [unclear] this the [unclear] day  
of [unclear] 1897.  
(SIGNED) J. C. [unclear], Clk."

I have [unclear] for original papers  
of [unclear] Cherokee Nation.  
Received and filed this [unclear] 1897. Secretary."

"IN THE UNITED STATES COURT OF THE INDIAN TERRITORY,  
SOUTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber, Orie B. Barber, William B. Barber, James  
T. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber,  
Ella Barber, Abbie E. Barber, Alcega M. Barber, APPELLANTS.

VS

CHEROKEE NATION,

APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION  
TO THE FIVE CIVILIZED TRIBES.

Cometh the appellants in the above entitled cause  
and petition the Court to grant an appeal in said cause from  
the decision of the Commission, known as the Dawes Commission,  
created and empowered to treat with the Five Civilized Tribes  
of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw,  
and Seminole Indians, and to pass upon and decide applications  
for citizenship in the said Five Civilized Tribes, which  
decision by said Commission was rendered by authority of, and  
not in accordance with, an Act of Congress passed and approved  
June 10th, 1896, and by which decision on the 29 day of  
October, 1896 the aforesaid appellants were denied their  
rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their  
rights to citizenship in the Cherokee Nation, as aforesaid are  
as follows: to-wit: The affidavits of E. Dawson, S. E. Dawson,  
T. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establish the  
fact that said applicants are Cherokee Indians,  
of blood and descent, and entitled to rights of citizenship  
in the Cherokee Nation.

Said affidavits, together with the application, of said  
appellants, were, prior to September the 10th, 1896, filed  
with and submitted to said Commission for its investigation,  
consideration and decision.

That a certified copy of said application, together with  
the accompanying affidavits, were served upon the Chief, or  
Attorney General, of said Cherokee Nation, prior to September  
the 10th, 1896.

The errors of the Commission in rejecting the claims for  
citizenship of said appellants are the grounds for appeal  
to this Court, to-wit:

FIRST. The Commission erred in holding that its jurisdiction over said claims adversely to the appellants was not the proper one for the trial of said claims.

SECOND. The Commission erred in denying the appellants the right to be heard by the Commission.

THIRD. The Commission erred in denying the appellants the right and privilege of examining the evidence introduced by the appellees in support of their claims, and in denying the appellants the right to cross-examine the appellees' answer or production.

FOURTH. The Commission erred in denying the appellants the right of a trial by jury, and in denying them the right to be heard by the law of the State of Georgia.

FIFTH. The Commission erred in denying the appellants the right to be present in person, or by attorney, at the trial and determination of their claims by the Commission.

SIXTH. The Commission erred in denying the appellants the right to call and examine witnesses and to send them to the State of Georgia to do so by the appellants.

SEVENTH. The Commission erred in denying the appellants the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in denying a part blood, holding that blood was not a test of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their record or record the reasons on which the claims of appellants were denied and refusing to advise appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELFTH. That the Act of Congress approved June the 10th, 1860, was unconstitutional and had no force or legal effect to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint, and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this case pray that an appeal be granted to this Court, that a writ, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send and plead a return and records filed before in this case to this Court, and that the Cherokee Nation, be a party in this case, and that the





Printed on back as follows: "Citizenship Case No. 100 vs. No. 90. Cherokee Nation... vs. No. 90. Cherokee Nation..."

JOHANNA BARBER et al.  
vs. No. 90.  
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom the case was referred, submit the following report:

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY  
NORTHERN DISTRICT, AT MUSKOGEE.

JOHANNA BARBER et al. )

-v.-

CHEROKEE NATION. )

-----o00-----

I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the application of Johanna Barber, et al. is hereto set forth and have returned hereto the following report:

I

The said case was instituted on September 29th, 1896, before the Dawes Commission to the Five Civilized Tribes, by Johanna Barber, and Isaac J. Barber, her husband, and their children, Onis E., William E., James E., Johnnie and Joel A. Barber. That Joel A. Barber was the following children, Mattie Toliver, George A., Frankie C., Jesse and Ethel Barber. That the application included also Mary A. Barber and her child Inez Barber, Emma L. Murphy and her child Clara Murphy, Eliza Moore and her children Anna J., Jackson D., Mary M. Gladys, Attie L. Hunt and her child Herman Hunt, Alley J. Smart and her children Georgia A. and Elmer M. Smart, Joanna J. Carlisle and her children Lottie C., Cora L. and Bertha Carlisle. That this application was by the Commission tried and rejected on October 29th, 1896, with no reasons given for the decision, and that subsequently on December 27, 1896, the claimants appealed to this Court. That the parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That they filed in support of their application the affidavits of S. B. Dawson, E. Dawson, Francis H. Dawson, and F. A. Dawson, who testify that Johanna Barber is the daughter of Elizabeth Rogers, nee Dawson, who was the daughter of Polly Rogers, who married a white man by the name of Samuel Dawson, and that Polly Rogers was the daughter of certain John Rogers and Alley Vann. That these witnesses are all Cherokee citizens by blood, acquainted with the

...and according to their testimony, related to the ...

The above introduces to controversy this ...  
... Cherokee Commission on citizenship, ...  
... in the year 1857, in which these claimants ...  
... by this Commission and also the affidavits of ...  
... are a grandson of Captain John Rogers, and Mrs. Sarah ...  
... granddaughter of Captain John Rogers, both of whom state ...  
... they never heard of any daughter of said Captain John ...  
... by the name of Polly Rogers, and that Cynthia Rogers ...  
... his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through the appellants' claim, is not now and has not been a member of the Cherokee Nation since the removal West; that he has never appeared on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation since the removal.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1837, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow a reasonable fee for my services herein as Special Master.

Respectfully submitted this 10 day of August, 1857.

(signed) H. A. Gibson,  
SPECIAL MASTER.

By Fee Paid.

No Exceptions filed."

BY THE COURT.

The Court says that it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1837, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the applicants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants

be enrolled as citizens of the Cherokee Nation, etc."

Referred to as: "No. 1064. Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, filed August 17, 1897, J. A. Winston, Clerk."

Referred to as: "No. 1064. Joanna Barber et al vs Cherokee Nation."

"NOTICE.

THE COMMISSIONER OF THE GENERAL LAND OFFICE (SS) In the United States Court for the Northern District of the Indian Territory. In the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation.

is in to the Five Civilized Tribes. You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the records and papers in the docket of your tribunal relating to said case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honor of this 1st day of December, A.D. 1897. (SEAL) (signed) J. A. Winston, Clerk. Referred: "No. 1064. Joanna Barber et al vs Cherokee Nation, APPEAL OFFICE OF U. S. COURT."

Referred to as: "No. 1064."

BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1890, the court number of same being, 238, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call special attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the Nation, number 108, before the Citizenship Commission, and which was made January 19, 1892.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 230, just introduced above, are as follows:

Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19, 1932.

No. 108.  
Robert Dawson et al ) Exhibit C.  
                          ) ( )  
                          ) ( )  
Cherokee Nation.        )

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:

My name is Arthur A. Baker I reside at Berryville Arkansas Carroll County My age is 77 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandnother on mother's side she was frequently at my Mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my Mothers house she the mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my Mothers and there at Louis Runnes Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I started all night there and she and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruet and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls. The children named in the petition I recognized as being the claimants.

Question by Solicitor:

- Q. 1 How many children did Polly Rogers have?
- A. 1 Five I think that's all.
- Q. 2 Did you say anything about some one being married twice?
- A. 2 The claimant was married twice.
- Q. 3 Could Anna Pruet speak Cherokee?
- A. 3 Yes, she could speak it well.

- Ques 4 How far did you live from A. J. Barber?
  - Ans 4 Just across the river about 4 miles.
  - Ques 5 Was Salmon Lake a Cherokee Nation?
  - Ans 5 It was on the sides of the river in the
  - Ques 6 What name did it bear in Texas?
  - Ans 6 George West Creek, then John Rogers, and
  - Ques 7 Did the claimant live in Texas?
  - Ans 7 No the claimant did not live in Texas.
  - Ques 8 What connection was claimant to Polly Rogers?
  - Ans 8 The claimant is the son of Polly Rogers
  - Ques 9 Where does claimant now live?
  - Ans 9 He lives in Carroll Co Arkansas.
  - Ques 10 Do you know what relation old Capt John Rogers was to Charles Rogers here in Coovescoo now?
  - Ans 10 They claimed in that that I don't know there were two Capt John Rogers in the Nation I am speaking of the time when I first came to this country about the year 1830.
  - Ques 11 Was Anna Pruet the maiden name of claimants mother?
  - Ans 11 Yes that was her name. Was the Indian called her since his
- (signed) Arthur A. Baker  
HANK

Witness hand & signed in presence of me & signed by a seal

I R. T. Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct copy of the original as a record of record in the Executive Department of the Cherokee Nation.  
Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.  
(signed) R. T. Hanks,  
Asst Exec Sec.  
(seal)

To the Honorable the Dawes Commission a Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as she is enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joana Barber her mother, who is a Cherokee Indian by blood. The said Joana Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (also Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee



Nation, and that she has taken and be fully and lawfully  
your Honorable Commission, that she be admitted to be  
citizen of said Cherokee Nation of Indians and entitled to all  
the rights and privileges pertaining to such citizenship in  
accordance with the laws and treaties with said Nation of  
Indians.

Her age is 34 years. Her Post Office address is Talala, Ind.  
Ter. Her family consists of the following named persons: Her  
husband and children as follows:  
W. J. House, aged 34 years; Ches. C. House, aged 9 years;  
Winson T. House, aged 8 years, Anna V. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.  
(signed) Irene J. House.

Northern Judicial  
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority,  
Irene J. House, to be known to be the petitioner in the above  
petition, who being by me first duly sworn upon her oath  
says that she is the petitioner in the above petition, that  
she has read (or heard read) the said petition and that the  
facts stated therein are true, as she verily believes.

(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter.  
this 19 day of August A.D. 1896.

(signed) J. Barricklaw,  
Notary Public, my Commission expires  
June 3 1899."

(seal)

"EXHIBIT A.

Northern Judicial Division,  
Indian Territory.

Joanah Barber being duly sworn according to law, on oath  
states by name is Joanah Barber 41 or 42 sixty one years old  
her Post office address is Watova Ind Ter- her husband's occupation  
is Farmer and a Cherokee in Coconawocoochee Dist I and a Cherokee  
Indian by blood by mother being Elizabeth Petty (nee Dawson)  
daughter of Samuel Dawson and Polly Dawson (nee Rogers) and  
said Polly Rogers is a daughter of Capt Rogers and Anna Vann  
(not only called Alsey Vann) the following Irene J. House  
is my daughter; she was born in Williamson County, Texas May  
13<sup>th</sup> 1863, moved with her husband children to the Indian Territory  
and settled near Talala I Territory

(signed) Joanah Barber

Subscribed and sworn to before me this 19<sup>th</sup> day of Aug. 1896.

(signed) J. Barricklaw,

Notary Public, my Commission expires  
June 3 1899

(seal)

"EXHIBIT B.

Indian Territory,  
Northern Judicial District ss.

F. H. Dawson being duly sworn according to law  
deposes and says:

My name is F. M. Dawson; I am 64 years of age; my post office address is Afton Indian Territory, I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name Polly Rogers through my father Robert Dawson, my mother's name Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee.

My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Eastern Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers. The said Elizabeth Petty was the mother of Joanna Barber who is a full cousin by blood of this affiant in the Indian Nation. The said Joanna Barber is the mother of Irene J. House who is a second cousin of this affiant in the Indian Nation.

This affiant further states that he has seventy five to eighty blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their homestead money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Afton of Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, the facts stated as occurring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(signed) F. M. Dawson.

Indian Territory,  
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(Seal)

(Signed) John H. Koogler,  
Notary Public.

Northern Judicial District,  
Ind. Ter. Honey.

EXHIBIT D.

E. Dawson, here duly sworn a solemn oath on oath stated by name E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a farmer by occupation, and reside in Coconococoo District- Cherokee Nation. I am a recognized Cherokee Indian of blood, and exercise all the rights and privileges of a Cherokee citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was carried to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers come West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson is wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joannah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joannah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further state that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and the recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Honey at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barricklar, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occurred before the recollection of affiant he testifies to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this 19 day of August 1896

(signed) J. Barricklar,

Notary Public, My Commission expires June 3, 1899.  
(seal). Notary Public.

W. A. Dawson,  
Notary Public, District.

EXHIBIT E,

before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn: deposes and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of John Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose children (line drawn through word "children") sons, Robt & James before sworn, are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Subscribed to before me this 17 day of August 1890.

(signed) William Lynch

Notary Public.

(Seal) by term expires Feb 6 1900."

Foregoing indorsed on cover as follows:

"No: 1090 5464 Before the Dues Commission on Citizenship in the Five Tribes. Irene J. House v.S. The Cherokee Nation. Petition and Proof, Will F. Linton, for Petitioner, filed Sept 8 1890 A. S. McKennon, Com'r. Donied. Filed Feb 26 1897 Jas A. Winston clerk."

"Received of W. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... v..... Nation, as follows..... Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."  
(seal)"

Indorsed: "Court No. 232 No. 5464 Receipt for original papers in the case of Irene J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189...."

"Irene J. House et al,  
vs. No. 232  
Cherokee Nation.

Mr. H. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

U. S. DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D. C.

I, J. H. Gibson, Special Agent in Charge, do hereby certify that the following is a true and correct copy of the original file in the Bureau of Indian Affairs, Department of the Interior, Washington, D. C., in the case of the above entitled matter.

I

That this case is a result of a petition filed by J. H. Barber of Cherokee Nation, the principal of said petition, and Irene J. House and her son, John Barber.

That this case is a result of a petition filed by Irene J. House, her husband, W. J. House, and their children Chas. C. Winston T., and Henry W. House. That they file in support of their application for citizenship by blood to the Cherokee Nation.

That this case was first brought to the attention of the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and on January 20, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas. C. Winston T., and Henry W. House. That they file in support of their application on the affidavits of John A. Barber, J. W. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Pears, who is the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and are all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were recognized Cherokee Indians.

II

The appellee introduced in defense a report of the application of these claimants to the Cherokee Commission on citizenship in the year 1897, and the report of the rejection of the claimants, and further the affidavits of W. A. Rogers, Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that she had only one daughter, whose name was Cynthia.

III

The claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are



recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early day in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that the claimants would be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee have never heard.

The claimants and the appellee are residents of the Cherokee Nation, Indian Territory, where they have resided since 1837, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) H. A. Gibson,  
Special Master.

My fee paid,  
No Exceptions taken.

Foregoing papers indorsed on cover as follows: "232, Irene J. House et al V Cherokee Nation Final Report of Special Master, filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

BY MR. HUTCHINGS:

"Let us close for the present."

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. HEDENSON:

- Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
- Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
- Q You gave testimony in this case once before did you not, before the Daves Commission? A I did.
- Q Before this Commission I will say, this Commission? A The Daves Commission? A Why I don't recollect was the Commissioner was, that was taken at Vinita, ex parte.
- Q Were you in any way connected with the Cherokee citizenship Commission in 1883 known as the "Tehee Commission"? A I was clerk of that Commission.



never saw or observed anything that would have awakened a suspicion in my mind that was not in that kind of practice.

Q Did Campbell Taylor at any time after the execution of that judgment pay to you any money as compensation for the services of Ed Dawson for any services which you had rendered to him at that time?

A Yes, he paid me some.

Q What amount? A My recollection is that it was a twenty dollar bill. I don't know but I had to state and state the transaction, all about it.

Q Yes, sir. A Mr. Dawson, Ed Dawson, I have known for a long case occasionally applied to me at my desk for a transcript of a subpoena or transcript, something of that kind. I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I had occasion to go to him, says he, I have no money, Mr. Dawson, but I ought to pay you. I told him I had no money, and he would not take my hand. And in passing I might state that I had been paid for my share of that work which I had done for the State for various parties before the day.

After his trial was concluded, I went to the Hotel while before summer time I went to my room at the Hotel in the night, went to my room, and I went down upon the bed to rest. I recollect that I went into the room, drew a chair up to the bedside and I was engaged giving expression to my gratification at the manner in which he dwelt upon the testimony, and I was satisfied satisfactorily, establishing his Cherokee claim. I thought that he was entitled and that he had secured justice by the court. I listened to him, and we talked there for ten or fifteen minutes; after a little he says, I must go home, I think he says to-morrow, I must go home, - he then says in Arkansas somewhere. Says he, Mr. Dawson, I believe you ought to pay me something. Aluding, as I had referred, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services, if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly any money to get back home. He shook my hand, and the last thing he says to me, you shan't lose anything for your kindness to me. I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards; I had located a little claim on the public domain there in Delaware District, staked off what I intended to be a farm, nearly strikes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim and we will settle the matter in that way, that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long, - I think I met him in Virginia, and says he, did Camp Taylor pay you any money that I sent to you? Says I, no, I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Mr. Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKEITHEN: To offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,  
Tahlequah, C. N., September 24th, 1881.  
No. 108

Robt Dawson,  
Elbert Dawson,  
Jasper Dawson,  
John Dawson,  
Josephine Dawson,  
Joseph Dawson,  
Jane Dawson,  
Molly Dawson,  
Wilbron Dawson,  
James Dawson,  
Rial Dawson,

Petition for Citizenship

vs.

Cherokee Nation.

Continued by the Plaintiffs, Oct. 5, 1881.

January 13th, 1882.

The above case continued by the Cherokee Nation till Sept.





Q. You are certain you saw any other clerk of the District  
Court about the court at that time than Ed Larson? A. I have  
been thinking, and I can't call to mind that I ever saw any other  
clerk except Ed, until after they have done the country subsequent to  
the rendition of the judgment.

(At this point a party who has been sitting in the room  
in which the examination is being held, is called forward,  
sworn on behalf of applicants, and asked to retire until called.)

W. E. HUTCHINGS:

Q. Mr. Duncan, when did you become clerk of the Texas Commission  
Court? A. It must have been somewhere in December, 1884, at the  
time the Commission was organized immediately at the close of the  
session in which they were appointed.

Q. December 1884? A. I think so.

Q. What are you doing rendering judgments here in your handwriting  
in 1887? A. The Commission held its Court after they were elected  
for three.

Q. The Court was elected in 1884 wasn't it? A. Well, I don't know the time,  
I don't pretend to say when the Court was elected, I might have  
said at the time I was chosen clerk, I was chosen clerk just at  
the close of the session of the National Council of that year.

Q. '84? A. I think it was '84.

Q. You entered up this judgment rendered January, 1887? A. Yes,  
that was the session of the Commission.

Q. That was before you were clerk of it? A. Well I held my clerk-  
ship for some time you know continuously.

Q. Well but when you went to court that you were their clerk when the  
law on mass was passed on? A. No, I don't mean to say that.

Q. How could you be clerk when the law on mass was passed on in  
1887 when you were not elected until 1884? A. I am mistaken in  
that, '84 comes after '83, - it was the year preceding 1883, it must  
have been '82.

Q. Your first entry in the Larson case is January 17, 1887, isn't it?

Q. I don't recollect what my first entry was. (Attorney shows the  
record to witness) Yes, that is the entry there on that day.

Q. And that was shortly after you became clerk wasn't it? A. Yes,  
shortly after I became clerk.

Q. The case had been entered upon the docket before you became clerk?

A. I think so, yes; it was entered at the previous term of the  
session of the Commission.

Q. In those handwriting was the names of the three Commissioners  
signed to that judgment? A. Larson, Judge, right?

(Attorney shows record to witness again) A. That is my handwriting.

Q. All three names? A. All three names.

Q. The record there shows that you immediately gave them that day  
a transcript of the judgment, do you know who signed that? A.  
I signed the transcript?

Q. Yes, sir. A. I do not recollect now, this is, did the writing?

Q. Signed the names to it? A. Yes, that's it.

Q. You always signed the names of Jones and Folger didn't you?

A. I think I did pretty generally; I don't know of their attempting  
to write their own names.

Q. When Mr. Thompson was there didn't he sign his own name? A. Some-  
times he did, sometimes he simply authorized me to do it.

Q. Have you any recollection of his authorizing you to do it

except from the fact that you have found it on that record frequently?

A. I can't recall the particular literal fact of authorization.

But I can say positively that, consulting the records, that he  
authorized me to put his name there.

Q Will you look at the original document hereby shown you and refer to it a jury and say who signed the names of the Commissioners there? A (Paper given to witness) A I signed them there.

Q Do you recognize that as your handwriting? A I do.

Q That made you when you were testifying at Vista before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory: I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the sheet and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting: I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony: I subsequently became better informed and concluded that that was my handwriting; and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, at least a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Tehee and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that there was a resemblance; what made me of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think of it with respect—that his orthography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.



THE COLLISSION

... HITCHINGS

Do you remember that ... the Court? ... I don't recollect ...

... the only witness there was? ... He is the only one now that I can recall ...

... I have no recollection ...

... the only man that ... I don't recall ...

... anybody else ...

... that was ...

... you ever see anybody's else testimony ...

... it was taken in the presence of the three Commissioners ...

... I do not recollect ...

... the same term of the Court or not? ...

... when and how did they ...

... you first ...

... they take testimony ...

... taken in this case ...

... the decision was made at ...

... the following entry reads: "It is agreed by the parties that this case shall be ..."

January and a September term, and this decision was rendered at the January, 1883 term. Was Baker's testimony taken during the January, 1883, term, at the time this decision was rendered? A I find it impossible for me to recollect those facts that are recorded there; although I can say about that, that the record shows the correct statement of the facts; but I can't recall those facts.

Q Well there is a record here that this case was continued on the 17th day of January, 1882, upon agreement that it should be taken upon the 4th day of October, 1882; your record shows that there was nothing done in the case from January 17th, 1882 until October 4th, 1882; would you say that was correct? A I should say it was correct if it so stands on the books; it is designed to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent your end of it at all. (Shows entry in book to witness.)

A I can't recall those facts in regard to the agreement.

Q The took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the Nation? A As to that I don't recollect. He was present, he was always present; I think likely he was cross examined.

Q And that testimony was taken at or near the time when the judgment was rendered in January, 1883? A I think it was, by impression is to that effect.

Q Well the court seems to have had no session as to this case from January 13, 1882 up to October 4th, 1882, according to the records? A (No response.)

Q You don't recall taking down anybody's else testimony in the case? A No sir, I don't.

Q And the probability is that he was the only witness examined isn't he? A It might have been so, by recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 73 at that time? A Yes, he was quite old.

BY MR. McKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 10th, 1883; is that correct, as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, now I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was ~~not~~ correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't succeed in reading that very clearly to my own understanding, but I gather from the subject rather in that testimony that it is in accord with Doctor Baker's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In taking the testimony you endeavored to get down all the material facts that you could in taking it in law, would you? A Yes, very nearly word for word, as I could take it, but all on there was a little variation made necessary by the length of the witness' statement.



BY MR. McKINNON: As I desire to object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

R. F. FORTNER, D. M., first called, sworn, and being examined testified as follows:

BY MR. McKINNON:

- Q What is your name? A R. F. Fortner.  
Q What is your age? A 54.  
Q You are a physician are you not? A I am.  
Q Where do you reside? A Vinita, Indian Territory.  
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Commissions of the Indian Territory and of the American Medical Association,--those are some, and the most important positions I hold at this time.  
Q Are you a Cherokee citizen? A I am.  
Q By blood or intermarriage? A Intermarriage.  
Q Your wife is a citizen? A Yes, sir.  
Q Do you know D. W. C. Duncan? A I do.  
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.  
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.  
Q Is that good or bad? A It is good.  
Q Do you know Campbell Taylor? A I do.  
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.  
Q Do you know his general reputation for truth and veracity? A I do.  
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

- Q Mr. Duncan belongs to the same church you belong to? A Yes, sir.  
Q And has for a number of years? A Well now I say I think he does; I have always so understood.  
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.  
Q You didn't have any business before the citizenship court of which he was clerk, did you? A No, sir, not that I know of.  
Q You was not at Tahlequah while he was clerk of a court from 1882 to '87? A I don't believe I was.  
Q Never had any business before that court? A Had no business before that, not while he was clerk to my knowledge.

BY MR. McKINNON:

- Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.  
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

- Q I will ask you if it was notoriously bad in 1883, when these people employed him to represent them before the Court? A That was before my knowledge of him.

Q That so far as you know his reputation dates back as far as you can find? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:

BY MR. LAKEMAN:

Q What is your name? A G. W. Miller.  
 Q What is your age, Mr. Miller? A 41.  
 Q Where do you reside? A Vinita.  
 Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.  
 Q Are you a citizen of the Cherokee Nation? A No, sir.  
 Q What is your business? A Real estate and insurance agent.  
 Q Do you know D. W. C. Duncan? A Yes, sir.  
 Q How long have you known him? A I have known him twenty years.  
 Q Do you know his general reputation for honesty and upright character where he lives? A Yes, yes sir.  
 Q Is that good or bad? A It is good, so far as I know.  
 Q Do you know Campbell Taylor? A Yes, sir.  
 Q How long have you known him? A Well I have known him 18 or 20 years, I guess.  
 Q Do you know his general reputation for truth and honesty? A Well yes.  
 Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

F. H. CURTIS, being first duly sworn and being examined testified as follows:

BY MR. LAKEMAN:

Q What is your name? A F. H. Curtis.  
 Q How old are you, Mr. Curtis? A 36.  
 Q Where do you reside? A Afton, Indian Territory.  
 Q How long have you lived in the Indian Territory? A 20 years.  
 Q What is your business? A Lumber business.  
 Q Do you know D. W. C. Duncan? A I do.  
 Q How long have you known him? A About 20 years.  
 Q Do you know his general reputation for honesty and upright character in the community where he lives? A I do.  
 Q Is that good or bad? A It is good as any man's.  
 Q Do you know Campbell Taylor? A I do.  
 Q How long have you known him? A Some 20 years, I suppose.  
 Q Do you know his general reputation for truth and integrity and honesty? A Yes, sir.  
 Q Is that good or bad? A Bad.  
 Q Is it notoriously bad? A Yes.  
 Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes, sir, I know him in 1888 and 1889.  
 Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.  
 Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes, sir.  
 Q Is that good or bad? A Good, sir. Good as any man's; he is a good Christian gentleman.  
 Q Did you know him well enough to know his habits of life? A Yes, sir.  
 Q Was he in the habit of taking liquor, drinking liquor? A Not that I know of, sir, I never saw him take a drink in my life.

Q ... character such as to preclude any such charge against  
A ... It was, yes sir.

Q ... WIFE IN 1907?

Q How long did you know Dr. Baker? A Two years.

Q What does he do there? A He was an old gentleman then, he lived  
right in the edge of Berneville, Dr. Baker.

Q How old do you think he was then? A I think he must have been  
60 or 70 years old; an old gentleman.

Q That is in 1907, 60? A No sir, it was in '63 and '64, the  
two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how many children  
he had, but we had acquainted with the old gentleman.

Q Wasn't doing any business with anybody? A No sir.

Q His character was never called in question at any of the  
times it? A No sir, no sir.

Q Campbell Taylor was a notorious racial proponent ever since  
you ever knew him wasn't he? A Yes sir, I never knew Campbell  
Taylor.

Q And the ever a man you had citizenship case he got Campbell  
to work it, because he was notoriously a racial; that's it didn't  
it call a great many of them got hit.

Q It was a notorious thing; that they had a bad case they would  
get hit, it would sort of give a case a bad odor to have Campbell  
around it? A Yes, that would be right.

Q You never knew anything about Dr. Baker's connection with  
citizenship matters? A No sir, never did.

Q You never heard about his changing some of the records of  
citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Dawson case? A Yes sir.

Q Rumor had it all around that somebody was doing something  
wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him  
accused of it, no sir.

Q That rumor got out from the first day they were audited right  
to the present? A Well I don't know not from the first day,  
I have heard it for a good while though.

Q But you never knew who they fixed it on? A No sir.

Q They have been a pretty strong family up there in that country  
haven't they, pretty large family? A Yes sir.

Q Cast a good many votes up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Dr.  
Baker? A No sir, I never did.

Q What would you think of a man who would testify that he knew a  
girl that was single in 1885 when the youngest of her seven children

was born in 1885; what would you think, would you think that was a  
statement to be made by a man who was truthful? A

BY MR. McFARLANE: Application object to the question because  
it is wholly incompetent, or not based on any proof of  
admitted facts in the case, and it is wholly immaterial and in-  
competent.

THE COURT: That was a statement that would be made by a truthful  
man? (No response.)

Q You knew him in '68? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, '68  
and '69.

Q 14 years from that time he was liable to be in his dotage?  
 A I don't know, he was an old man which I knew him.  
 Q He was too old to work, and retired from business then? A Well  
 he did work a good deal, but wasn't doing any business particular  
 that I know of.  
 Q He would have been pretty old 14 years from that time? A Yes,  
 he would be getting old.

D. H. HARRIS, being first duly sworn and being examined,  
 testified as follows:

BY MR. MCKENNON:

Q What is your name? A D. H. Harris.  
 Q What is your age, Mr. Harris? A I am 44.  
 Q What is your business? A I am publishing a newspaper.  
 Q What paper? A "The Indian Chief."  
 Q Are you Editor of that paper? A Yes sir.  
 Q You live at Vinita, then? A Yes sir.  
 Q Are you a citizen of the Cherokee Nation? A Yes sir.  
 Q By blood or intermarriage? A Intermarriage.  
 Q Do you know D. W. C. Duncan? A I do.  
 Q How long have you known him? A 13 or 19 years.  
 Q Do you know his general reputation in the community where he  
 lives for honesty and uprightness of character? A Yes sir.  
 Q Is that good or bad? A Good.  
 Q Do you know Campbell Taylor? A Yes sir.  
 Q How long have you known him? A Why 15 years or longer.  
 Q Do you know his general reputation for truth and honesty in the  
 community? A His general reputation, yes sir.  
 Q Is it good or bad? A Well it is not good.  
 Q Is it bad? A Well I suppose it must be bad then.

BY MR. BUTCHER:

Q How long has Campbell's reputation been bad, Mr. Harris,  
 quite a good while, hasn't it? A Why I think no, yes sir.  
 Q And it kind of began mostly with this citizenship business?  
 A Yes, so far as I know it did, yes sir.  
 Q Campbell got so many bad citizenship cases and through the mails,  
 and they finally had him up about it, had a good deal of stir about  
 it? A Yes sir.  
 Q And some of that stir was sort of occasioned by his helping  
 the Dawsons in wasn't it? A I don't know, I don't know whether  
 he helped the Dawsons.  
 Q Was not that one of the principal cases that brought him into  
 notoriety? A I don't know whether he had that case or not. I  
 know he had a great many cases.  
 Q That was the principal thing that concerned the civil Campbell  
 out, the citizenship cases never? A I think that is what got him  
 into the most trouble.  
 Q I say before that time never had talked much about Campbell  
 one way or another, and it became pretty general that Campbell  
 was handling shady citizenship cases, and he got a bad reputation  
 from that? A Yes sir, I think that was the impression generally.  
 Q Now Mr. Duncan's connection with the Dawson case sort of been  
 kept quiet; people never talked much about it? A I never heard and  
 didn't know of it.  
 Q You have heard that there had been something wrong about the  
 Dawson case, that has been a notorious thing? A Oh it has been  
 a notorious case, yes sir.  
 Q Well the fact of Mr. Duncan's reputation for straightness and  
 being so much given to himself, he confessed it frequently? A Yes  
 in that?

Q His reputation for straightness is somewhat given by himself; he takes occasion to confess that very often himself doesn't see

A I don't know whether I am qualified to answer that.

Q Speaking of his own honesty, as does that very frequently?

A No sir, not that I know of.

Q Doesn't he write a good deal about that sort of thing? A About his reputation?

Q Why in speaking of his own integrity? A I don't remember that he does.

Q You were not about the citizenship courts along in 1931 '2 and '3 were you? A No sir.

Q Don't remember about the talk that was going on around the Capital over there about the citizenship cases? A Why no, don't remember anything special as I know of. I remember the citizenship court going on at different times.

Q How far were you living from Tahlequah in '33? A Well, I lived close to Vinita, I guess it is sixty miles probably.

Q Have you lived any nearer Tahlequah since that time? A No sir, never have.

H. L. SUGLER, sworn, first duly sworn and being examined testified as follows:

BY MR. HARRISON:

Q That is your name? A H. L. SUGLER.

Q You are a minister of the Gospel? A Yes sir.

Q M. E. Church, South? A Yes sir.

Q How long have you been a minister? A I have been in the ministry 27 years, sir.

Q Do you ever live at Vinita? A Yes sir.

Q How long? A I was there four years, sir.

Q Do you know D. E. SUGLER? A I do.

Q How long have you known him? A I have known him, I guess 27 years.

Q Do you have any personal knowledge for or against him with respect to citizenship? A I do.

Q For or against him? A None, so far as I know.

Q Do you have an opportunity of knowing? A Yes sir.

BY MR. HARRISON:

Q Mr. Sugler was a member of your church? A Yes sir.

Q Was he the principal one you had in contact with? A Yes sir, he was a member of my church board.

Q His connection with citizenship cases that were decided by the court of which he was clerk was never brought up in your presence anywhere? A No sir.

Q Or ever discussed? A No sir, I know nothing about his connection with it.

Q You didn't live about or near Tahlequah in '33? A Yes sir, I was pastor of the Methodist Church in '33 at Tahlequah.

Q Did you hear about the Harmon case, and other cases admitted over there by the citizenship court? A No sir, I know nothing about the Harmon case when the conviction was in question, and I never had any part of the conviction, but know nothing about the case that was decided at all.

Q Never heard anybody discuss the cases that were decided? A No sir.



THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

- Q What is your name? A Thomas A. Chandler.
- Q What is your age, Mr. Chandler? A I am 39.
- Q What is your business? A Deputy Clerk of the United States Court at Vinita.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Do you know D. C. Campbell? A Yes sir.
- Q How long have you known him? A Let us see, I have known him about nine or ten years.
- Q You know his general reputation for honesty and uprightiness of character in the community where he lives? A Yes sir.
- Q Is it good or bad? A Good so far as I know.
- Q Do you know Campbell Taylor? A Yes sir.
- Q How long have you known him? A I think about 15 years.
- Q Do you know his general reputation for honesty and uprightiness? A Yes sir.
- Q Is it good or bad? A Bad so far as I know.

BY MR. HITCHINGS:

- Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.
- Q You never knew him until 1885? A Well I never knew him personally, I heard of him before that.
- Q He had a bad reputation before '85? A Yes sir.
- Q Bad reputation way back you say? A First I remember I ever heard of him I heard people talking bad of him, when I was a kid.
- Q And everybody that came around the Nation and heard anything at all about Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, what is as far back as I can remember I think I heard it spoken of in '80, I think that's about the time.
- Q And Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.
- Q You heard his reason for irregularity and using the mails for these business? A Yes sir, I heard of his being in the Fort Smith Jail on that account.
- Q Citizens of the Nation talked a good deal about Campbell's being in those bad citizenship cases? A Yes sir.
- Q And I also heard he had a bad reputation for paying his debts, about about the same time.
- Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.
- Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.
- Q You never heard Mr. Burton's name mentioned before in connection with the Burton case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.
- Q General impression that everybody had some something wrong with that matter, citizenship cases? A I heard some was spreading wrong in connection with the Burton citizenship cases.
- Q That has been known in history ever since they were admitted? A Yes sir, I have heard it covered around over the country that way as the case.
- Q They had a pretty large voting majority in those cases and yet was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q. They never in any endeavor to...  
A. No sir.

Q. Where did you live in '87? A. In '87 I lived out on Dick Creek,  
about 12 miles south-east of Vinita.

Q. How far from Tallequah was that? A. About 4 or 50 miles, I  
suppose.

Q. You never were around before the...  
that first? A. No sir.

Q. You don't know then whether or not Campbell had...  
pass or not down there? A. No sir, I do not, at that time.

BY MR. MCKERRINON: Applicants object to all of the testimony  
of this witness as to what is heard by way of rumor, and the  
character of the Dawson case, because the same is hearsay,  
material, irrelevant and incompetent.

BY MR. MCKERRINON, of Counsel for Applicants, being first called  
upon, makes the following statement:

I became a resident of Carroll County, Arkansas, early in  
1877. I was intimately acquainted with Doctor Arthur Baker,  
for many years. Knew him as well as I did anyone else. He was a  
gentleman of the highest Christian character, so recognized by  
everybody who knew him. He was a sober man, and never drank liquor.  
I made this statement more in vindication of that good man's memory  
than for any other reason, because any reputation against his  
character is false.

BY MR. HASTINGS:

Q. How long did you know him? A. I resided in Carroll County until  
1877 when I removed to Johnson County, Arkansas; during the war  
I was away from home, but I knew him intimately every year that I  
resided in Carroll County.

Q. Did you know him since '67? A. Yes sir, I have seen him several  
times. I have relatives living in the town in which he lived;  
my relations to him were such as to cause me always to inquire  
about Doctor Baker; I knew his reputation I think as well after  
I left there as I did when I lived there.

Q. Did you know those facts in 1896 when you were a member of  
this Commission? A. Yes sir, I have known them all my life as I  
know them now.

Q. Did you know them when you as a member of this Commission passed  
on the Irene J. House case? A. I knew it every day of my life, in  
1896 as well as now.

Q. Suppose that Doctor Arthur Baker's statement should appear that  
he was born in the year 1809, and suppose he said when he was 15  
or 16 years of age that Anna Pruitt the wife of Samuel Dawson,  
was a grown up girl going to school, when the other undisputed  
evidence shows that she had married Sam Dawson prior to that time  
and had seven children, the youngest of whom was born in '35, how  
would you harmonize that with a man who was an honest man and knew  
the facts in the case? A. Whatever Dr. Baker stated he honestly  
believed, whether it was right or wrong; whether it was error or  
truth, he honestly believed it, and stated it as he believed it.

Q. He was capable of being in error? A. Every man is.

Q. I say he was? A. Yes sir, just as you and I and every man, he  
was; I merely stated as to his high character, which could be proven,  
and very few men know as I think, I know it.

Q. The Commission rejected Irene J. House in 1896, of which you were  
a member? A. I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A David Meredith.
- Q Where do you reside? A Vinita.
- Q How old are you? A 60 years old.
- Q Did you ever know James Dawson? A Yes sir.
- Q How long have you known him? A I know him probably 2 years.
- Q Did you ever have any talk with him about his citizenship case.
- A Very little.
- Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
- Q Well what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.
- Q Where did that conversation take place? A At Afton.
- Q At what time? A It was in '88, spring of '88.

BY MR. McKENNON:

- Q Where were you when he told you that? A I was working on a house in Afton, building the house.
- Q Where house? A E. S. Baker.
- Q The place was then his? A Baker was tenant.
- Q Where is he? A At Afton.
- Q What age had James Dawson at that time? A I don't know, he was very old, probably 75 years old.
- Q Was he not a very feeble man? A Yes sir.
- Q Hardly able to get around? A No sir.
- Q Was he not then a feeble, almost blind old man? A I can't know whether he was blind or not.
- Q You don't know where he had to go with the case, in fact, do you? A No, I judged it was himself and family that cost that much to get through attorney's fees, etc. That is the way I took it myself.
- Q You were an applicant yourself were you not? A Yes sir.
- Q Then? A At that time.
- Q Before the Cherokee authorities? A Yes sir.
- Q They rejected you? A Yes sir.
- Q You were an applicant then before the Dawes Commission were you not? A Yes sir, been rejected ever since.
- Q Are you still an applicant? A Yes sir.
- Q Still trying to get in? A Yes sir.
- Q Claiming by blood? A Yes sir.
- Q How long have you been living in the Cherokee Nation? A 15 years.
- Q Where did you come from? A Indiana.
- Q Claiming to be a Cherokee citizen? A Yes sir.
- Q Indiana? A Yes sir.
- Q James Dawson is now is not? A Yes sir.
- Q How long has he been dead? A I think he died probably 21 or 22 in the years after that.

TESTIMONY IN BEHALF OF THE APPLICANTS.

F. M. DAWSON, being first duly sworn and further examined, testified as follows:

- BY MR. McKENNON:
- Q F. M. Dawson? A Yes sir.

Q. Mr. Dawson, what number of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?

A. My brother Fred Dawson and I.

Q. Tell his name, Mr. Elbert Dawson, they all know his by nick.

Q. When was that? A. In '81, as well as I remember, or '82. I don't know which, it was in '81 or '82.

Q. Did you file your claim at that time? A. My brother was, yes, the application, my brother had Joel Hays to take it out and file it. That is my understanding.

Q. Joel Hays, was afterwards was Chief of the Cherokee Nation?

A. Yes sir.

Q. Before what court was that filed? A. My understanding was he was clerk of the court; Hastings can tell us what court he was clerk of.

Q. He was clerk of the court at that time? A. Yes sir, of the citizenship court; that's my understanding.

Q. That was done about the same at that time, if you remember? A. I went back home and left my brother down there at that time, that trip.

Q. Where did you then live? A. I lived at Newville, Arkansas.

Q. When did you next come to the Cherokee Nation? A. I believe I came back the next January, that was in October.

Q. Was your brother not there then? A. I don't think he was, I don't remember.

Q. Well had he at any time of the court or session of the Commission at any time after you first came here and filed the application until after it was decided? A. No sir, I never let him any more until that case was decided.

Q. You conducted the business then after that did you not? A. Yes sir.

Q. The case was finally decided in January 1887? A. '87, yes sir, the 11th day as I remember.

Q. Were you present at that session? A. Yes sir.

Q. Was there any decision of that case other than the one as reported here? A. I never heard of it if there was.

Q. Was the judgment rendered in that case as recorded in the record book of that Commission now in the custody of the State? A. I don't know the only judgment that was rendered in that case so far as you know?

A. Yes sir, so far as I know, I never heard of it in that case.

Q. You then know of no decision against you in the case? A. No sir.

Q. Was your attorney employed at the beginning? A. I employed A. H. Spawood.

Q. Was he a Cherokee citizen? A. Yes sir, I think so.

Q. Where did he live? A. At Glassboro, my understanding.

Q. Was he present at any time before the Commission? A. I never saw him, however, but he was there before the Commission.

Q. Did you say anything to him? A. Yes sir.

Q. How much? A. I don't know.

Q. Did he ever mention anything to you? A. If he ever did I never knew it.

Q. Well, then was that your brother? A. My brother employed Joel Hays.

Q. Was he a Cherokee citizen?

A. I don't know.

Q. Was he a Cherokee citizen? A. Yes sir.

Q. That was the only one? A. Well sir, I don't know whether he was or not, but he was a citizen of the Cherokee Nation and he was the only one; whether he rendered any services



or not I don't know; he was generally always at Washington City during the Term down there.

Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A Well I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would see to my trial before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Tell what did you do then? A When the time come I come down on the day to Muskogee here and I goes over from here to Fort Gibson and I goes down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got up to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then he was drove out of their room and they had a secret session, acting on the case.

Was Uncle Houston Benge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the Commission? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument and submitted the case? A Was not but a little bit; after we were drove out of the house the first time before they went into secret session they wanted to set up the cigars to the court and the crowd in the house; after the decision was rendered then I was to set up the cigars, and everybody come to me and told me to go and get the cigars and I don't so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.

Q What did you do about it then? A Was the clerk wrote me out my certificate.

Q That same day? A That same day.

Q What arrangements did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay, he charged me fifty dollars, that was his fee.

Q That was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.

Q Were you to write or was he to write? A He was to write for it.

Q Did your brother in Texas ever pay his fee of fifty dollars?

A Yes sir.

Q Was that all that was to be paid? A All that was to have; all he charged me.

Q You heard his statement when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.



- Q How long since that judgment was rendered?
- A I never saw Taylor, did you do that? A No sir.
- Q You said that you paid him fifty dollars, after he got away to Tallapoosa, did you do that? A I never saw him, I don't know.
- Q After that judgment was rendered, did you go to it? A I went back home to Arkansas.
- Q By what route? A I went by Siloah Springs and on by Spring Dale and then on to Rogers, took the railroad there and went on by Seligman and by Little Springs home.
- Q You then did not return to Fort Gibson, did you, as he stated? A No sir, I did not.
- Q Did you ever return by way of Fort Gibson? A Well I thought maybe the others was the cheap or road and street a hack going out by Seligman when I was boarding at, I don't go to Siloah Springs, and I went by that route and then there was a hack going by Spring Dale, that was the most direct route.
- Q That was the most direct route from your home was it not? A Yes sir.
- Q And the cheapest? A And the shortest route.
- Q Had you been going back to Fort Gibson you would have been going directly away from home to it you not? A Yes sir.
- Q Your home is nearly a mile east of Tallapoosa was it not?
- A Yes sir, little north of east, pretty near due east.
- Q While Fort Gibson is almost due west is it not? A South west.
- Q You heard his statement that you went to Fort Gibson with him, and as you came you stated to him that the way to reach that court was through Seligman, and he asked you, through Dumas, which five hundred dollars, did you state that statement? A I never did, I didn't have the five hundred dollars to reach him.
- Q Did he file at Tallapoosa in the court room on the evening before this judgment was rendered in your favor, tell you what the court had rendered a judgment against you? A No sir.
- Q And did you then say to him, you heard that? A I had to have conversation with him.
- Q Did you pay to D. F. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
- Q Or for any other purpose? A No sir.
- Q Did you pay him any money after that for Campbell Taylor?
- A Yes sir.
- Q That amount? A 20 or 25 Dollars, I don't know which it was.
- Q State what that money was paid for? A For a claim.
- Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to me; said he 20 or 25 Dollars for his claim he had up there by me, on the Cherokee public domain.
- Q What did Campbell Taylor have to do with your case?
- A He had nothing to do with it.
- Q Did you agree to pay him any money for his services as an attorney? A No sir.
- Q Did he perform any services in that case for you as a representative of Mr. Bryant? A No sir.
- Q Did you pay him any money? A Yes sir.
- Q On what account? A He went to me and said he had the claim against me for land without me, wanted me to pay him the money and I don't see.
- Q What amount? A Hundred Dollars.



Q Well, A Well I made several trips out here at different times, to Tallapoosa before the commission, and back, three or four times, as well as I remember now, cost me 20 or 25 dollars each trip, and I remember about it.

Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Clarcona to see A. H. Horwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and employed Senge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one or the other, I don't remember which it was; Joe Dawson, my brother gave me the money, it was either 21 or 31 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't tell to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Elbert Dawson was better off than the others, Buck Dawson.

Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Senge debt and the Bryant debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that was come up on one trip and taken some evidence with Jael Bryant with Joel Bryant was clerk of the court before this Tennesse court, I don't know what that cost him.

Q Came up he said took some to Tenny? A Yes, came up and went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tallapoosa.

Q He had taken the testimony before you left him or afterwards? A He taken it afterwards; that was my understanding.

Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.

Q Was the expense of taking those witnesses up there? A Yes sir.

Q You also furnished money now of the members of your family? A My brothers and father lived down in Berryville, we had 50 dollars in the bank, Berryville, we all chipped in together a few dollars from each family.

Q You heard the statement of G. S. Brown that in June 1843 you told him that it had cost you 700 dollars, did you have any such statement in 1843? A I never did.

Q And that you paid one within 300 dollars? A I never had any such statement.

Q Did you see any witness any more? A No sir, I call Dr. Robert Brown to see he said his was worth 5 dollars a day, and I paid it.

Q Did you see any other witness any more than that? A No sir, he was the only witness I told you where in the case.

Q Well, the Robert Dawson case? A Yes sir.

Q He says that you told him this in your house there on your place, did you have any house there in June 1843? A I was not living on my farm at that time.

Q Did you have any farm? A Didn't have any.

Q When did you build a house there? A I built a house on the farm I live in now by Mr. Broughton, I moved on the farm the last of July, 1843, and I came in by wagon.

Q What did you do? A I went to the timber and cut poles and I had the cut poles made a log cabin on the place by a spring, by Mr. Broughton.

Q How long did it take you to finish that house? A I lived in it a year.

Q How long after you finished that house until you brought your family out? A I finished it and got it covered on the floor in it and I went back to Berea Springs after my wife.

Q How long did you have them? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, carrying with her three little boys and one girl were with me, and one girl back in Arkansas.

Q Are you and C. C. Broughton on good terms? A No sir.

Q What has been the character of the trouble between you? A I had a quarrel over our places first started it.

Q How did it begin? A As soon as I got back from Arkansas he came over riding on his horse and he got on my farm and he had been in a racket ever since.

Q Now his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.

Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.

Q Have you had law suits with each other? A Yes sir.

Q How many? A I don't know that he had any particular law suits, but I have had law suits and he has been a witness against me.

Q What was your last trouble with him, when I mean? A Alone, last fall.

Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.

Q What was the age of those boys? A Eleven years old.

Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.

Q He was discharged on account of his age? A Yes sir.

Q Jack Dawson is dead is he? A Yes sir.

Q How long has he been dead? A Three years, little over three years.

Q And James Dawson is dead? A Yes sir.

Q Is your father, Robert Dawson living? A No sir.

Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 5 or 7 years, I couldn't state.

Q When did your father, Robert Dawson die? A I believe it was in '07 as I remember now, I want to be positive.

Q Had all these men come to the Cherokee Nation before their deaths?

A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Mark Dawson.

Q Robert Dawson, your father, never did move to the Territory, did he? A No.

Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a next church at night James Dawson came down there with someone else introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.

Q He says that James Dawson was 37 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.

Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.

Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.

Q About what age? A Must have been 20.

Q Between 60 and 70? A Yes sir.

Q That was the age of your brother James? A At that time?

Q Yes sir, in '84? A In '84 I suppose he was about 18, some-thing like that.

Q Did he have anything to do with the James Dawson case? A No sir.

Q Was he present at the time that the James Dawson case was under consideration? A No sir.

Q Was James Dawson, your brother James Dawson, present at any time during the consideration of his case? A No sir.

Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.

Q Who conducted the prosecution of the James Dawson case before the Cherokee citizenship Commission, who conducted it? A The James Dawson case.

Q Yes sir? A I think James Low and Will Jackson and Campbell Taylor.

Q Were you acting with them? A Yes sir.

Q They employed Campbell Taylor? A Yes sir.

Q Then there was no James Dawson present during that session of the Commission? A No sir.

Q What was the condition of James Dawson's health at that time?

A It was pretty poorly, was not good.

Q Was he at that time able to get about and attend to his business?

A I don't think so.

Q Was he not a very feeble, lame, old man at that time? A Yes sir.

Q Regarded as rather a silly man was he not? A Yes sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?

A No sir.

Q Did he attend to any part of business of the family at that time?



Q. Did you ever move here? A. No, I said except Robert

Q. Did any of the members of Robert Dawson family move here? A. Yes

Q. Who, himself? A. Yes sir.

Q. All the members of the Dawson family? A. No, not all

Q. Robert, Melvina Low I don't think ever lived here.

Q. Did any ever move here? A. Yes sir.

Q. All the members of your family, your father's family in-  
cluded in the judgment of the Committee, rendered January 1891,  
1892. A. All the ones.

Q. What was the name of that one? A. Yes.

Q. What name? A. Daughter of Robert Dawson.

Q. What name? A. Yes sir.

Q. Was she then of age or was she a minor? A. I think she was  
then, as well as I can remember.

Q. Was she afterwards admitted to citizenship in the Cherokee  
Nation? A. She was.

Q. By the Commission of the Cherokee Council? A. She was first  
admitted by the Grand Court, her and two of her neighbors.

Q. What were their names? A. Katie Vernon and Verna Fishback.

Q. What date of that? A. The certificate papers they got was  
issued and they went before the Council in 1894 and they was  
admitted under the act of Council.

Q. In 1894, the Cherokee Council admitted, re-admitted  
and called it, the three above named? A. Yes sir. Mary and

Q. What name? A. Katie Vernon, they have now the same name as  
the other, Vernon, is in now, Tom Robinson married the widow,

Q. What name? A. Yes sir.

Q. What name? A. Yes sir.

Q. What name? A. Yes sir.

Q. What name? A. Yes sir.

Q. What name? A. Yes sir.

Q. What name? A. Yes sir.

Q. What name? A. (Produces papers.)

Q. What name? A. (Produces papers.)

Q. What name? A. (Produces papers.)

Q. What name? A. (Produces papers.)

Q. What name? A. (Produces papers.)

Q. What name? A. (Produces papers.)

Q. What name? A. (Produces papers.)

Q. What name? A. (Produces papers.)

Q. What name? A. (Produces papers.)

Q What year? A In 1894.

Q What was that? A Allowing them their strip money.

Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. McKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blessingame family, as follows: Jane, Elbert, Henry, James Ross Lemie, Pearl, Aros, Lyrtil, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and who's names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of \$265.70.

Q Were these members of the Robert Dawson family? A Yes sir.

Q Which one of the members of the family? A Jane.

Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.

Q And her children? A Her children, was not admitted, she was admitted.

Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was

to Cherokee citizens by blood only or not? A Yes sir.

Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.

Q What was that? A That, I think it was in '84.

Q Have you got a copy of that act? A No, the record is here.

Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. McKENNON: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. McKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children, )  
No. 181, )  
Lula Douthett, )  
Dallas Douthett, )  
vs )  
The Cherokee Nation. )

C. H. Taylor,  
Atty. Gen. Claim.

Petition filed September  
14th, 1883.

Case submitted by plaintiffs Sept 14th, 1887.  
Case submitted by Solicitor, Sept. 19th, 1887.  
Continued by Petitioner Jan 23 1884 to September Court  
1884.  
Re-submitted September 2nd 1884, by Atty Taylor and Revert.  
Submitted by defence Sept 1884.

And now on this the 13th day of September 1884 cover this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on citizenship it has been decided by the Commission that the above named Lula Douthett and Dallas Bartlett are Cherokee by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

W. L. Spears, Secy.

John Lee,

John L. Adair,  
Clk Com'n.

Andrew Young,

Commission on Citizenship."

Q Now are there any other actions of the Cherokee authorities of like character relating to the members of your family?

A I don't remember of any others.

Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the said Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dumas Commission?

Q No, before the Cherokee Commission making the roll of 1896, of which John T. Gutter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of what at that time; this is what I understood.

Q That roll shows that the members of your family were duly enrolled by that Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1837 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.

Q Yes and all the members of your family are living in the Cherokee Nation? A Yes sir.

Q You have all drawn Cherokee moneys whenever payments were made? A Yes sir.

Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.

Q That treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Affton.

Q In what year was that? A I believe it was last spring some time, 1st April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.

Q What offices have the members of your family held? A I was a Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Bowring party.

Q Now, if a child of yours were born, would any one else be a  
naturalized citizen? A Only by a citizen, yes sir.

Q Is that all? A (Sighs).

Q Now, your children, do you have any children at all?  
A Yes, several, all are married and have no children, yes,  
sir.

Q How long have you and your family been all the while subject to the  
jurisdiction of the courts of the Cherokee Nation? A Yes, sir.

Q Have they been tried for any offenses against the law? Yes sir.

Q Have they instituted any civil suits in the courts of the  
Cherokee Nation? A Yes sir.

Q And had they instituted a suit there in a court? A Yes sir.

Q And of those courts have you to the Supreme Court of the  
Cherokee Nation? A Yes sir.

Q Were you ever called upon by that tribunal? A Yes sir.

Q Is there anything else? A Nothing, no; I a-said this evening; I  
got a bad headache so bad I can't hardly see.

BY MR. WITC HAMS:

Q Now, all of your children, Robert Dawson was he dead? A I don't  
know, I couldn't answer that.

Q Was he a very old man? A Yes sir, he was getting tolerably old.

Q How old would he be, older than you? A No I don't know.

Q Now, James Dawson in 1864 must have been a very old man, isn't he?

A Well, he was old and he was feeble.

Q Well, you stated that he was a silly; was he naturally that  
way? A He used to live in Texas; I didn't know him until after

he came to the Territory.

Q I say he had gotten so old, what was the occasion of that?

A I suppose so, the oldest one of these children was Mrs. Betty

Peter, that's my grandmother's daughter.

Q And the oldest boy was John Dawson? A He always called me Jack.

Q And Dawson was the oldest? A Yes sir.

Q And was the youngest? A Sam Riley.

Q He was the youngest one of the crowd? A Yes sir.

Q Your father lived four or five years after he and you were

admitted to citizenship? Yes sir, something about that, it was

in 1867, I think he died in 1867, I won't be positive; that is as

near as I can remember now. I have got a headache so bad that I can't

remember anything.

Q He had none of the older members of the family were ever present

at any of these trials of citizenship? A No sir, not a one of

them, sir.

Q Now, a one of them was ever called upon to testify as to the blood

of their father, who she was or anything about it? A I don't

think they was.

Q Your claim of kinship was through Captain John Rogers and that

your grandmother was the half sister of Big Joe Vann, wasn't it?

A I don't know, I couldn't answer the question.

Q You were there when they took the testimony? A I was there when

Dr. Baker's testimony was taken, that was about 16 years ago.

Q And nobody kin to the Rogers and Vann was ever called to

testify in the case? A Not as I know of.

Q They were very well known Cherokee families in the country?

A I suppose so, I don't know.

Q And yet nobody on any side of the family connected with it was

ever called to testify? A Not that I know of, I don't know

what my brother done, he taken some of the evidence at Tahlequah

which I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.

Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.

Q You had talked to your brother and what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.

Q You had told him in general way you expected to use Dr. Baker as a witness? A Yes sir.

Q You went off, came to Atlanta and left your brother at Tallapoosa after you told him that fact? A Yes sir.

Q You didn't see your brother any more until after you were admitted? A No sir.

Q You and he however made trips back and forth to Tallapoosa and Atlanta at different times, but you didn't happen to get together?

A No. I never met him any more and I don't know that he was there until after we were admitted.

Q But you were there and brought Dr. Baker over? A Yes sir.

Q Any took his testimony a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.

Q How the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.

Q The way he came into your case? A The way he claimed to come in.

Q He did more in your case than Bryant did? A Campbell didn't do anything.

Q What did Bryant do? A I think he helped my brother take evidence by another employed him.

Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.

Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.

Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.

Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.

Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.

Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.

Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Low and Bill Jackson got him; that was my understanding of who employed him.

Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 22d, 1884, in the James Dawson case? A I don't deny him being in that case.

Q You say he was employed in the E. Dawson case? A I don't know who was in the Dentsett children's case.

Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Bevert, who testified a while ago? A That was in the James Dawson case, wasn't it?

Q That was in the E. Dawson grand-children? A Elbert?

Q No, in the Dentsett children's case? A Oh yes.



Q He was likewise attorney in the Mary Dawson case, was he, and for the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.

Q And the case likewise of Wiley Dawson? A I don't know anything about those.

Q They are relations of yours? A Well I wouldn't say.

Q James K. P. Dawson proves to be a son of Wiley Dawson? A Well if he is in any connection there. There are so many Dawsons I don't know them all.

Q You know Andrew J. Dawson? A Yes sir.

Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.

Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.

Q He refers in his application as being a cousin of P. Dawson, and yourself, who were admitted to citizenship by the Texas Court? A He may be, I don't know nothing about it.

Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about these people.

Q Old man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.

Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.

Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.

Q Well I say he was a very old man? A Yes, getting old.

Q Now didn't you come to this place up there joining Broughton and work on it some time before you brought your family? A No, I brought my family with me, except my wife.

Q And you subsequently built a log house on it? A Yes sir.

Q And went back and got your wife and moved them to the log house? A Yes sir, went to Florida and got my wife.

Q You never saw your grandfather at all? A Saw Dawson, yes sir, I saw him.

Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Wiley Dawson, and he was there.

Q In '60 sometime? A '68, I reckon, or '67. Somewhere along there, in the time of the war.

Q How old a man was he at that time? A Pretty old man.

Q You never saw your grandmother, she died before she came? A Yes sir, I never saw her at all.

Q The first started the citizenship matter, your brother in Texas or you? A Why it was us, and my brother together.

Q I mean who first conceived the idea? A I first conceived talking about it.

Q And went down for him? A I was in Texas with him and then in Arkansas, I went backwards and forwards a time or two after the war.

Q About that time nearly everybody in Arkansas were trying to get no claim of kinship to Cherokees? A No sir, not at that time.

Q They were getting pretty thick in there in 1880? A Well in '83 and '84 and '85 I think.

Q Some of them went over there to get yourselves on the rolls? A Just got to be everybody; but it wasn't at the time we were settled there was not much stir about the rights here.

Q Well the Wattle had been admitted before that? A I suppose they had, there was not much excitement over the Wattle claim at that time.

BY MR. HASTINGS:

- Q. That did locate you together with Sam Shables when you first came to Tallapoosa in '31? A. I think I did.
- Q. Your brother Buck Dawson stayed there also? A. Yes sir.
- Q. Sam Shables lived in the north end of town, old Gerran? A. Yes sir, old Gerran, lived in the lower part of town.
- Q. Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A. I have heard some but I have forgot them.
- Q. You can't recollect any name now? A. I don't remember the name sir.
- Q. In the Irene House case and Joann Barber case, in which you testified before the commission, when you were making search for this testimony you couldn't find any other testimony from that record except the Dr. Baker testimony, could you? A. That's all we could find; no we didn't find the testimony, we got a copy.
- Q. Well it must have been a copy of the original, the certificate shows that? A. I don't know; House got a copy of that claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.
- Q. Well the certificate there does not bearly certificate does it? A. I don't know about that, I am no scholar.
- Q. Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of records? A. I didn't hunt for any; House wrote for them.
- Q. None of you have ever been able to find any other? A. No. Not even find our petition.
- Q. Samuel P. Dawson applied to what is the name the Adair Court, didn't he? A. I don't remember name.
- Q. He was an uncle of yours wasn't he? A. Yes sir, claimed to be.
- Q. The father of these two parties who testified here isn't he? A. Well I don't know, they claimed to be, I never set them together.
- Q. He was rejected by the Adair Court, or Hayes Court? A. I don't know whether he filed his petition.
- Q. Did you testify in his case? A. I don't remember; I might have done it.
- Q. Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A. I don't recollect, if I did I don't remember.
- Q. Did you testify in the Riley Dawson case? A. No sir, not that I remember.
- Q. Didn't you know of his being rejected by that court? A. I don't remember, sir.
- Q. You know that the Cherokee Council never authenticated the roll of 1896, don't you? A. No sir, I don't know it; I didn't know this was done until I went to Tallapoosa after some papers and come back and they told me about it.
- Q. You never found out that C. H. Taylor was a big rascal up until the present time have you? A. (No response)
- Q. The records here show that he has been in the constant employment of your family from that date up to this time? A. Why it shows here from the record; I could see there be excuse for my part of it.
- Q. You were the man that had the lost to do with it? A. I never employed him, I can say that.
- Q. You are the man that had went to do with the records? A. In my case and in my father's case.
- Q. Didn't you testify for your whole J. Dawson? A. Yes sir.
- Q. Can't he attorney for him? A. Yes sir.

- Q Wasn't he employed by J. L. Dawson after you got your citizenship?  
A Why not but the grand-children.
- Q J. L. Dawson's petition was filed in September 1933, is that right?  
A Yes sir.
- Q C. H. Taylor, attorney of record, filed his petition? A He  
might have filed it for all I know.
- Q Well, you hadn't at that time fallen out with C. H. Taylor had  
you? A Why no, we never did have any trouble, only over his money,  
he never would give it back to me or give it to Bryant.
- Q You never discovered that he was such a bad man until after your  
judgment was rendered? A I know he was not of good character.
- Q Are you and Bryant, this man who testified for the Cherokee  
Nation, on speaking terms? A Hardly speak.
- Q Does he refuse to speak to you? A Sometimes he does.
- Q Do you refuse to speak to him? A Yes sir.
- Q Have you been speaking to him for the last two or three months?  
A I have not spoke to him until I met him here at the hotel the  
other day.
- Q First time you spoke to him since he had the boy arrested? A Yes  
sir.
- Q When did he have the boy arrested? A About in September or  
October, September I think.
- Q When did Dr. Baker die? A I don't remember.
- Q You don't remember how much older your father was than you?  
A No, I don't know.
- Q What is your age? A I will be 60 in May.
- Q Then you were born in '42? A Yes sir, '42 according to the  
record.
- Q Was your father as much as 25 years old when you were born?  
A I couldn't say.
- Q What was your best judgment? A I suppose he was 20 or 25  
years old. My understanding he was old young.
- Q Can't you give any better idea than 4 or 5 years of your father's  
age? A I say 25.
- Q Your father was born say, 25 from '42 would have made him be born  
in 1817; now had your father any older brothers or sisters? A I  
think Jack Dawson was the oldest of the family, no, Betty, the girl,  
was the oldest and Jack next, and then my father as well as I  
remember about it.
- Q There were two girls older? A No, one of the girls I never saw.
- Q Then you think there are only 2 older than your father? A Yes,  
that's my understanding of the family.
- Q Dr. Baker gives his age 75 in '32, which would make him be born  
in '39, now he states that when he was 15 or 16 years old, which  
added to 1869, will make 1824, that your grandmother Anna Pruitt,  
was a school girl; whereas from your testimony and what of the family  
history introduced here shows that your grandmother Anna Pruitt  
was the mother of seven children, the youngest being born in 1823,  
how do you reconcile that? A I don't remember about the statement  
of Dr. Baker; I don't know what he made such statement as that,  
I don't remember about it.
- Q And if he did you don't know how to reconcile it? A (No response.)
- Q Did you talk to any of the members of the Court that admitted  
you? A No sir, I was not acquainted with them.
- Q You know whether they were old or young men? A They were old  
men like Steve Vance, I got acquainted with him afterwards, and  
Tomie Thompson, at the Council you know I was there a good deal.

- Q That was the fellow that was on the Court? A Yes sir.
- Q He was afterwards assistant Chief of the Cherokee Nation?
- A I think so.
- Q Steven Tehee, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
- Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
- Q Don't you know he did? A I think he did, as well as I remember.
- Q Were not you over there to his room? A I think I was.
- Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Tex., was in January Term of 1882 I believe, it was, as well as I remember about it.
- Q Well you didn't take any more testimony after Dr. Baker testified?
- A No sir, I didn't.
- Q But your case was not admitted or passed upon for a time?
- A I think it was, yes sir, as well as I remember.
- Q I would like to ask you about the Blawingame family down to the Cherokee Nation? A Alex Blawingame came with us when we moved here, and went back and got his family and moved that fall.
- Q Did he have his family here that same fall? A Yes sir.
- Q That year as that? A In the fall of '83 I believe it was, as well as I remember now.
- Q When did the Sulaska family come? A I think the girl and the old lady come in the next spring.
- Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband come back.
- Q Did she come back until after her marriage? A No, she was married when she come first.
- Q The last time? A She was married I think, she was married when she come out.
- Q How long has August Sulaska been a permanent and continuous resident of the Cherokee Nation? A I think he come there in the fall of 1884 or 1885, I won't say which.
- Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
- Q When was that? A '83.
- Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
- Q Who is Arizona Alrey? A That is my daughter.
- Q Did you bring her with you? A No not when I moved.
- Q When did she come? A She come out in a year or two after I moved here.
- Q Was she married when you moved here? A No sir, she was not married.
- Q She was not married when you were admitted? A No sir, she was a child.
- Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
- Q What was his mother's name? A Melvina Dawson.
- Q You know Jim Lowe's age? A No sir.
- Q Don't know how old he was in '83? A No sir.
- Q The 1st ground? A I think he was.
- Q Married? A No no.
- Q Married in this country? A Yes sir.
- Q Who is James H. Marmont? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.

Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.

Q You know Gideon Graham? A Yes sir.

Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.

Q Did he come from Texas to Arkansas? A Come from Texas.

Q Did you know them in Texas? A I knew the girl.

Q You never knew them until they come to this country? A I never knew Gid.

Q When did you see him here? A I think they come here in the fall or winter of 1894 or '95.

Q He was married then? A I think he was.

Q Brought his wife? A I think he was, I don't know.

Q Did he have any children when you first saw him? A He come to my house and I never saw his family for-I don't know, for several years.

Q You understood he had a family? A Yes sir.

BY MR. McKENNON:

Q Did you mean to say '84 or '94? A '84.

Q Did you see Gid Graham in '34? A '34, let me study, Feb '85.

BY MR. HASTINGS:

Q Did you see him in '85, are you positive on that proposition?

A I think so.

Q Will you swear it? A No sir, I won't positive swear it, but I think it was, as I remember say it was; I couldn't say positive.

Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask the question again.

Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.

Q They all drawn money and all tried in the courts as long as we had tribal courts, were they not? A Yes sir, so far as I know.

Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.

Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges as native born Cherokee.

Q Well I say there is nothing special about it? A No, I don't know as there is.

Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, I met him, then I saw him.

Q Mr. Will how did the examination of Dr. Baker? A Yes sir.

Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.

Q None whatsoever? A I don't remember any.

Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.

Q What? A Letters to my brother in Texas.

Q What name? A Yes sir, E. Dawson.



Q That? A Yes sir, Mac Dawson.  
Q Well is that all he did for you? A I don't remember about it.  
Q Why didn't you get your attorney to do some letter writing? A There was not any here.  
Q Taylor nor Beuge was not there then? A No sir.  
Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid it for that claim.  
Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did; right have been 2 years. I don't remember.  
Q There was Duncan living then? A I couldn't say that.  
Q Was he still clerk of this Court? A No sir, not when the money was paid; that is, when Camp Taylor said he paid it.  
Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.  
Q You knew Joel Bryant's address didn't you? A No, I didn't know that I did, No I didn't send Camp Taylor any money, I gave it to him.  
Q How much did you give him? A One hundred dollars.  
Q That? A Right at that time; he claimed it from me as soon as he got our papers; he came onto me and demanded it for Bryant.  
Q You never sent him any then after that? A No sir.  
Q Did you ever see Bryant after that? A Yes sir.  
Q How long after that? A I don't know, a year or two afterwards. A year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went once my brother about it and he never paid him until he moved out to this country.  
Q After all that you got him to attend to your uncle Jim Lawson's and the other relatives cases? A The other parties did.

BY MR. MCKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by their attorneys of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. MCKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.  
Q Are you positive of that fact? A Yes sir.  
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?  
Q Andrew J. Dawson, who claimed to be from Missouri? A How was the question?  
Q You do not know then do you? A I don't know that they are any kin to us.  
Q You don't know that they are related to you at all? A No sir.  
Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.  
Q Don't know who they are? A No sir.  
Q The Rebecca Dawson case? A I don't know her either.  
Q You don't know whether they are related to you or not? A No sir.  
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joanna Barber, do you know anything about them? A They claim to be kin to us.

Q Where are they from? A They are from Texas.

Q Do you know they are related to you? A They claim to be kin.

BY MR. HASTINGS:

Q Well you swore for them before the Commission? A Yes, they claim to be kinfolks of mine.

BY MR. MCKENNON:

Q Irene J. House, who is that? A That is a cousin of mine; claims to be.

BY MR. HASTINGS:

Q You testified for her didn't you before the Commission? A I think I did as well as I remember.

BY MR. MCKENNON:

Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.

Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.

Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You don't remember their names? A Which?

Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.

Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.

Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he knew by facts before us ever come here.

Q Was he older than Dr. Baker? A About the same age.

Q Why didn't you get Oliver Miller's testimony in the House case? A He was dead.

Q You and no member of your family in the Irene House case or the Joanna Barber case or any of these cases that were tried before the Dawes Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you?

A I don't remember about that.

Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.

Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.

BY MR. MCKENNON:

Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.

Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSIONER: This case is continued until 8:30 a.m., tomorrow morning, March 30th, 1902, it now being the hour for adjournment.

MARCH 30, 1902. - 11:10 a.m. - F. H. DAWSON again on the stand, testifies as follows:

BY MR. MCKENNON:

Q There was your brother Rich Dawson raised? A In Arkansas,

- Q What county? A Carroll.
- Q Did you know him? A Yes, yes.
- Q Did Dr. Riley live at Rayville? A Yes, sir.
- Q Was your brother intimately acquainted with him for any length of time?
- A Yes, sir.
- Q Did he have any children? A Yes, he had a brother and a sister.
- Q Do you know Josephine Pierce? A Yes, sir.
- Q Whose daughter was she? A Robert Dawson's.
- Q Is she the same identical person who is called Jodie Pierce, and Jodie Dawson? A Yes, sir.
- Q Is there any other Jodie Pierce or Jodie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.
- Q She was also called Josephine or Josie Kelly? A Yes, after she married her first husband was Pierce.
- Q And her second husband? A Was Kelly.
- Q There was another Josephine Dawson wasn't there, Della Lee's wife?
- A Yes, they called her Joe, I suppose that's her name, I can't be positive; that was Ella Dawson's daughter, August Saltschick's wife.
- Q She is much younger than your sister, Josephine, above referred to? A Yes, sir, oh yes.

BY MR. HUTCHINGS:

- Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
- Q You are how old you are? A 42.
- Q 42? A I think so.
- Q How many older children were there of your father and mother than yourself? A Three.
- Q Which were they? A E. Dawson, Percy Dawson and Jasper Dawson.
- Q You are the fourth child and the fourth boy? A Yes, sir, fourth boy.
- Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
- Q Do you know how long your grandfather lived in Arkansas? A No, sir I don't.
- Q Don't know what year he came to Arkansas? A Only from statement.
- Q What did they say about it? A I think they came there sometime in '30.
- Q You know whether your father was born in Arkansas? No, many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
- Q He came there in '30, and all the other children were born on the Hiwassee River in Tennessee, before he came here? A That is what I think, yes, sir. Now I am not positive about that.
- They were from Tennessee, but either Dr. Riley lived there or my folks came from there; I don't know as I've either that I've heard my father say where he was born at.
- Q In Tennessee so early; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard his way.
- Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
- Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
- Q That would make E. Dawson about eight years older than you, probably? A Yes, sir.

BY MR. MCKENNON:

Q Did Josephine Pierce have a daughter who married Mr. Bogle?

A Yes sir.

Q What is her name? A I don't know her name; I don't know whether that is her right name or not.

Q What is Bogle's name? A John Bogle.

Q She is the child of Josephine Pierce who married John Bogle?

A Yes sir.

BY MR. HASTINGS:

Q Where did she marry John Bogle? A Near Afton.

Q When? A I couldn't state.

Q About when? A You have got a copy of the marriage license.

Q When did Josephine Pierce come to the Cherokee Nation? A '83.

Q Has she lived here continuously since that time? A Up until her death; she is dead.

Q Any of her children come with her at that time? A Yes sir.

Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

Q Your name is J. C. Starr is it? A Yes sir.

Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)

A Yes sir.

Q Where? A At the residence of S. H. Benge near Fort Gibson.

Q When? A On the 15th day of this month.

Q What day of the week was that? A On Saturday.

Q Is that the day it was taken? A Yes sir.

Q Did you go there on Saturday to take this? A Yes sir.

Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?

A It was taken Saturday, the 15th.

Q Was he mistaken or not? A It was not taken then.

Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?

A I think not, because I was there, and it was taken on the 15th.

Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.

BY MR. HASTINGS:

Q He was just mistaken about the date, wasn't he? A Yes sir.

BY MR. MCKENNON:

Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.

BY MR. HASTINGS:

Q I sent you there last Saturday? A Yes sir.

Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A My name is Robert L. Dawson.

Q What is your age? A My age is something close to 30 years old, I am 28 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?

A Yes sir.

Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death. A (Benge's letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and he looking over them I saw this letter.

Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.

Q Well that's what it is, you can tell whether it is or not.

(Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here Applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. MCKENNON: I want to offer this letter in evidence in this case: it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BERGE, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Benge.

Q Are you a son of Samuel H. Benge? A Yes sir.

Q Do you know his handwriting? A I believe so.

Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.

Q To the best of your knowledge and belief is that his letter?

A Yes sir.

BY MR. MCKENNON: Now we offer it in evidence.

BY COMMISSIONER: (Reading letter)

"Fort Gibson, C. N.,  
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,

S. H. Benge,  
Attorney at law."

Enclose in envelope, as follows:

Card in upper corner, left hand:

"Return in ten days to C. H. Taylor,  
Attorney at Law,

Tahlequah, Ind. Ter."

Addressed: "Mr. E. Dawson,



Henryetta,  
Clay Co., Texas."

Post-marked: "Telegraph, Jan 17 Ind T."

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. MCKENNON:

Q Now examining that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Along the same that you found the Benge letter? A Yes sir.

BY MR. MCKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.  
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him \$20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him \$100- and that you had offered him a check on some bank in Texas.

That \$100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,

Very truly,

J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A He, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked his his age; of course I guess by other means.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attent on to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. MCKENNON:

Q What is your name? A Gid Graham.

- Q How old are you? A Mr. Graham? A I am 35 years old.
- Q How long have you been living in the Territory? A I came out here in 1887 or '88.
- Q To the Cherokee Nation? A Yes sir.
- Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
- Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
- Q How long did you live in the Cherokee Nation? A About 6 years.
- Q Where did you go then? A Wagoner.
- Q In the Creek Nation? A Yes sir.
- Q And been residing there ever since? A Yes sir.
- Q In business? A Yes sir.
- Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
- Q Mr. Graham, do you know Judge Samuel H. Bengel? A Yes sir.
- Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
- Q Taking the census of the Cherokees? A Yes sir.
- Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
- Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
- Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.
- BY MR. HUTCHINGS:
- Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
- Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
- Q And he told you the judgment was all right? A Having known that Mr. Bengel was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
- Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
- Q Your mother was Missouri Dawson was not she? A Yes sir.
- Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
- Q And was not Missouri Dawson as named in that judgment? A Yes sir.
- Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
- Q Ella Dawson was your aunt? A Yes sir.
- Q Was she married at that time? In 1883? A Yes sir.
- Q Melvina Dawson, was she married at that time? A Yes sir.
- Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

- Q Can you give us the exact date of your birth? A Yes sir.  
Q Do so, please? A January 21, 1867.  
Q And you came to the Territory when? A In 1887 or 1888.  
Q You can't vave that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.  
Q Well I just want to know whether you did have or not? A No sir.  
Q When were you married? A 1886.  
Q You were married prior to coming here? A Yes sir.  
Q Your first child born away from here? A Yes sir.  
Q That is its name? A John W.  
Q '86 you were married, and he was born about the spring of '87?  
A Somewhere in 1887, I don't remember.  
Q Prior to your coming here? A Yes sir.  
Q That is the only child you had that was born away from here?  
A No sir, Julius.  
Q Julius was not born in the Territory? A No sir.  
Q And prior to the time of your removing to the Territory? A Yes sir.  
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

- Q Do you know Campbell Taylor? A Yes sir.  
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of that question, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.  
Q You never had met him before, or had any communication with him?  
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

- Q You knew he was the attorney in the case, originally? A After looking at the records I did.  
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.  
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.  
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:

Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.

Q You went to Captain Benge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.

Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.

Q And you went with Aaron Butler to see Jir Smith, attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.

Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.

BY MR. MCKENNON:

Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. MCKENNON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be exact as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.

Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. HUTCHINGS:

Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Lew and Bill Jackson, son of Ellen Jackson.

Q Who was W. A. Dawson? A That is Wilburn, my uncle.

Q Was he here? A I don't know sir.

Q You were not here any of the time? A No sir.

Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.

Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?

Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.

Q Very old man when he died? A Yes sir.

BY MR. MCKENNON:

Q About what age? A He was approximately 80 years old.

BY MR. HUTCHINGS:

Q When he died? A Yes sir.

BY MR. HASTINGS:

That about 1881? A I think so, yes sir.

BY MR. McKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant, and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON:

- Q Your name is James R. Dawson? A Yes sir.
- Q Where do you live? A Afton, Indian Territory.
- Q What is your age? A 43.
- Q You are a Physician are you not? A Yes sir.
- Q Was James Dawson, whose family was admitted in 1834, an uncle of yours? A Yes sir.
- Q Do you know what his age was at that time? A No sir, I do not, only approximately.
- Q State as nearly as you can? A At the time of the admission?
- Q Yes sir? A About 70, I don't know exactly.
- Q How old was he when he died? A I would suppose he was about 78.
- Q What was your age in 1834? A I was 45.
- Q What year were you born, Doctor? A I was born in '55.
- Q What year was '55? A Yes sir, that's right.
- Q What was your age then? A In '84?
- Q Yes sir? A About 28.
- Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee officials or mission? A Not while the James Dawson case was, no sir.
- Q You were present during your father's case? A I was there at the time.
- Q When was that? A The date I don't remember, when the case first came up, I don't know the exact date.
- Q How long were you there? A I was there about a week.
- Q Was that when the first case came up you say? A Yes sir.
- Q Nothing was done? A No sir.
- BY MR. McKENNON:
- Q You never saw Dr. Baker? A Yes sir.
- Q Did he and your uncle James use to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
- Q Yes? A I never saw them together.
- Q They were about the same age? A Yes sir, I believe Dr. Baker was 12 years older probably.
- Q Dr. Baker must have been mistaken about his own age? A Pleading, that's all I know about his age.
- Q The doctor had been diagnosed, rather a decrepit looking man at the time he was over here of late evidently insane? A No sir, not as I saw anything about.
- Q He was about 70 then? A I couldn't tell you, he was an old looking man.
- Q Your uncle Jim was about 70? A Yes sir.



TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A W. W. Hastings.
- Q Residence? A Tahlequah, age 35.
- Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.
- Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?
- A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him. Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemaker case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemaker case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemaker case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. MCKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.

Q He therefore did it simply upon your persuasion? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

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,

I, Arthur G. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

*Arthur G. Evans*

Subscribed and sworn to before me this 18th day of December, 1902.

*B. O. Jones*  
Notary Public.

File with Cherokee D-475, Wilborn Dawson.

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

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of,

Francis M. Dawson et al	Cherokee D,	324
John Dawson,	" D	380
William R. Dawson,	" D	581
Andrew C. Atkins, et al	" D	584
Francis M. Dawson, Jr.	" D	588
Arizona Alfred, et al	" D	585
Sammuel R. Dawson, et al	" D	560
Robert Dawson,	" D	382
Albert H. Dawson, et al	" D	358
August Bulawsky, et al	" D	385
John W. Dawson, et al	" D	482
Katie Newman	" D	402
John Dawson, et al	" D	578
Thomas P. Dawson, et al	" D	380
Orle H. Dawson, et al	" D	530
Robert Pierce, et al	" D	408
William Pierce,	" D	409
Charles E. Pierce,	" D	431
Oma Gray, et al	" D	471
Effie Pierce,	" D	472
John S. Bogle, et al	" D	479
Joseph R. Dawson, et al	" D	564
Wilborn Dawson,	" D	475
Charles T. Moore, et al	" D	518
James R. Dawson, et al	" D	526
Henry A. Blasingame, et al	" D	852
Elbert L. Blasingame, et al	" D	833
James K. Blasingame, et al	" D	834
Martin A. Patterson, et al	" D	435
Williard G. Dawson, et al	" D	604
Robert L. Dawson,	" D	605
Elbert B. Dawson, et al	" D	608
Richard W. Dawson, et al	" D	617
Ella B. Spickerman, et al	" D	626
Francis M. Dawson,	" D	627
Sarah J. Dawson,	" D	809
John W. Graham, et al	" D	83
Gideon Graham, et al	" D	35
Mathew A. Painter, et al	" D	838
Charles F. Bradshaw, et al	" D	1184
Joe E. Graham, et al	" D	1286
John F. Graham, et al	" D	1287
Joe Willie Neal	" D	1287
James M. Graham, et al	" D	1188
Green T. Jackson, et al	" D	295
James H. Jackson, et al	" D	479
Thomas A. Jackson,	" D	842
Lizzie Jackson, et al	" D	837
William C. Lenox, et al	" D	847
James Lowe, et al	" D	838
Milzie T. Dawson,	" D	408

Teramta Weclley, et al.,	Cherokee D	408
Henry T. Richardson, et al.,	" D	715
Wife of Henry T. Richardson,	" R	12
William A. Dawson,	" R	23
Alonso M. Pinback, et al.,	" D	543
Wilton F. Waddle, et al.,	" D	521
William B. Douthitt,	" D	528
Florence Morgan, et al.,	" D	737
John D. Pinback,	" D	645
George A. Mabry, et al.,	" D	978

### D E C I S I O N .

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 324 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie S., Jacob L., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1903.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1903.

D 581 By William A. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Arthur C. Atkins, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his three children, Arthur, Edna E., Edward C. and George J. F. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 19, 1903.

D 586 By Francis M. Dawson, Jr., son of Francis M. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.



- D 335 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.
- D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.
- D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.
- D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.
- D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.
- D 462 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.
- D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.
- D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Leruel H., Rosa B., Charles B., Hattie J., Jennings B. and James J. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.
- D 380 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Mariee J. Dawson as citizens by blood.
- D 530 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.
- D 408 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 441  
D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna M., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 384 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, Norm, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.

- 5-
- D 522 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil F. Dawson, a fourth child of the applicant.
- D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.
- D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.
- D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.
- D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.
- D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.
- D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.
- D 608 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

- D 608 By Sarah J. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.
- D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.
- D 622 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.
- D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.
- D 635 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Terra V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.
- D 635 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.
- D 838 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.
- D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.
- D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddle and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James E. Hamon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Hamon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 859 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Selma, Roberta and Rosa Lowe as citizens by blood.



- D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.
- D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.
- D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper G. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.
- R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.
- R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.
- D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.
- D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.
- D 543 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 19, and October 3, 1902.
- D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 845 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 879 By George A. Mabry, at Talliquah, Indian Territory, on December 16, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children Boby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. L. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1886 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1886 and 1894, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1886 and 1894, Ella Dawson and

Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 325, D 531, D 584, D 588 and D 835.

The evidence shows that Francis L. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the case of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis L. Dawson, Jr., and Arizona Allred are the children of said Francis L. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payment roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 29, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lea Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stat., 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."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis H. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 358, D 365, D 482 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bulawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The



four older children are identified on the Cherokee Census roll of 1896, and the Strin payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Hannie Dawson, nee Baugher, was married to the said John F. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John F. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Hannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the case of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Eric H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marice J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Willie York, and Rurr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Myrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Ora Gray was married to John B. Gray on April 7, 1898, and Cecil and Walton Gray are the issue of that marriage. Ora Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered D 364, D 475 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Nellie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Nellie Moore, formerly Dawson, is identified as the Nellie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the



issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1898. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, included the applications of those claimants through the said Elbert Dawson, and embraces cases numbered D 635, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zena Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zena Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the State Payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the State Payment roll of 1894.

Martin L. Patterson was married under a Cherokee Marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizenship

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1836, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1868, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Teoga V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1890.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William O. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Albert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1886, and has lived with her since that time. Tompa V. and Robert B. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in Texas prior to her admission to



citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Tashie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Tashie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 859.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Nellie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is defined in Section 21 of the Act of Congress approved June 27, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Willburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 23, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Delia F. Richardson is the child of the applicant by his first wife, Sellar. Finis F. Richardson and Jasper G. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of his said wife Kitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 26, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1894, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Holley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: **Wm. J. Venable, et al D 521; William D. Douthett, D 522; Alonzo H. Fiddell, D 523; Florence Morgan, et al D 527; John E. Fiddell, D 528 and George S. Hairy, et al D 570.** The previous entries in this group

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 15, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 15, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 15, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1891, to Laverna A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Laverna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Pitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Kitty Richardson as a member of her family. Clida and Alice L. Morgan are her children by her said husband. The said children are



identified by birth affidavits on file with this Commission.

John R. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John R. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Barton and his family was obtained by fraud on the part of said Bureau.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1821, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. G. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1823, and also informed him that C. H. Taylor would look after Dawson's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1885, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. L. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no additional

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. H. Benge, C. H. Taylor, Thomas L. Babhart, J. L. Clinkenbeard, James W. Lewis, G. G. Braught and David Meredith.

S. H. Benge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that the judgments in this case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application is 1861 and the first confirmation being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Commission to change its judgment, and that if it is a fact, it is in itself no evidence of fraud.

Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard notwithstanding, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testi-



mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tom Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McKennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Braught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1886, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Teesee Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear.

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Such evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teckee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1863, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts, applied with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1863; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1863, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment on evidence. It was not until 1883 that any steps were taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis H. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis H. Dawson, Jr., son of Francis H. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert F. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas F. Dawson, Marlee J. Dawson, Orle H. Dawson, Burr H. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles H. Pierce, Sam Gray, Cecil Gray, Velton Gray, Myrtle Akin (formerly

- Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna W. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,
- (Group V) Joseph R. Dawson, Clarence E. Dawson, Council T. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil P. Dawson,
- (Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore,
- (Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame,
- (Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman,
- (Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James H. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham,
- (Group X) Ella Jackson, Flora Harmon, Lillie R. Harmon, Claude Harmon



Twight Harmon, William D. Harmon, Tessie A. Jackson, Fannie  
Lenox, Birtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,  
Fitty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flour-  
noy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna  
Flournoy, Finis T. Richardson, Jasper C. Richardson, Della F.  
Richardson, Etta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle,  
Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A.  
Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan,  
Alice A. Morgan, John B. Fishback, Edna Mabry, Roby Mabry, and  
Charley Mabry,

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, 1828 (30 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulavsky,  
Nannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Eogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson,  
nee Jones,

(Group IX) John T. Graham, Elizabeth Graham, Mathew A. Painter,  
Charles T. Bradshaw, Bessie Graham,

(Group X) James H. Harmon, William G. Lenox,

(Group XI) Nellie F. Harmon, Henry F. Richardson, Edith E. Harmon

(Group XII) Susan F. Weddle and Alonzo E. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis M. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Love and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 558) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TAMES BIXBY,  
Acting Chairman.

(Signed) T. B. MEDDLES,  
Commissioner.

Dated at Muskogee, Ind. Ter.,  
this 25th day of August, 1902.

(Signed) C. E. BUCHHEIM,  
Commissioner.

COMMISSIONERS  
HENRY L. DAWES  
TAMM BERRY  
THOMAS B. NEEDLES  
W. R. BRACKINBIDGE

ALLISON I. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 1st

1902

James R. Dawson,

Aften, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself, your wife and four  
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

17th 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.

Copy to A.S. McKernon  
South McAlester, I.T. Yours truly,  
Cherokee D-526  
Register.

Acting Chairman.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 1903.

M. 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 December 23, 1902, granting the application for the enrollment of Francis L. Dawson, Lula Dawson, Ray Dawson, Jessie T. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Kate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alfred Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Mattie De man, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa E. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orie H. Dawson, Burr R. Dawson, James T. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Valtou Gray, Effie Akin, Nancy J. Doole, James R. Bogle, Edna P. Bogle, John R. Bogle, Marvin B. Bogle.

Paul Fogle, Nancy Edith Fogle, Joseph R. Dawson, Clarence E.  
Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T.  
Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D.  
Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie  
Moore, Vera Moore, Walter Moore, Clara Moore, Ora Moore, James W.  
Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame,  
Ellert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame,  
Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,  
Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A.  
Patterson, Edgar D. Patterson, Thomas K. Patterson, Vergil V. Patter-  
son, William C. Dawson, Robert L. Dawson, Elbert E. Dawson, Ralph E.  
Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen  
J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V.  
Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E.  
Graham, Francis F. Graham, Mary E. Graham, Jesse E. Graham, Gracie K.  
Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Rva  
P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy  
W. Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw,  
Joe E. Graham, William C. Graham, John F. Graham, Edna H. Graham,  
Robert Lee Graham, Joe Willie Feal, James E. Graham, Marion Graham,  
Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora  
Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D.  
Harmon, Toshie A. Jackson, Fungie Lenoxx, Birtie E. Lenoxx, Myrtle  
Lenoxx, Thomas Woolley, Irene W. Woolley, Wilburn E. Woolley,



Flodie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Minnie T. Richardson, Jasper C. Richardson, Della T. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis H. Dawson, Ocie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Selma Lowe, Roberta Lowe and Ross Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham.

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You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire 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. M-130.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1905.

Attorney for Francis M. Dawson, et al

Newck, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Lola Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marlee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna E. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James H. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lanox, Birtie E. Lanox, Myrtle Lanox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lela Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John H. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Marie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.



You have heretofore been furnished with a copy of the record of proceedings had in this case.

✓ 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 both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be 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.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

CC

Cherokee D-526.

Muskogee, Indian Territory, February 25, 1903.

James R. Dawson,

Afton, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself and your four minor children, Vinnie D., Ermine C., Edwin C. and Ancil F. Dawson, as citizens by blood, and for the enrollment of your wife, Martha A. Dawson, as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, 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 both your attorney and the principal 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,

Enc. H-24.  
Register.

*James Biscoe*  
Acting Chairman.

CONF.

Cherokee D-324.

Waskoge, Indian Territory, February 26, 1905.

Honorable

The Secretary of the Interior.

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna B. Bogle, John H. Bogle, Marvin R. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph B. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Winnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Lora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James K. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Joseph E. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Seal, James H. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Tocanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Hittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Minnie B. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Julawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Dessie Graham, James H. Farmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonso M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.



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) TAMS BIXBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, 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 matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 1, 1903.

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

Respectfully,

(Signed) TAMS BIRDY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McJannet,  
Attorney for Francis M. Dawson, et al.,  
Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, 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 BLIXBY,

Chairman.

Refer in reply  
to the following:  
Land  
13855-1903.

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, October 16, 1903.

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.

GROUP V.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting Group 1 of the case of Francis M. Dawson, et al., applicants for enrollment as citizens of the Cherokee Nation, there is transmitted herewith record relative to the applicants of Group V.---

D. 364, Group V. page 1.

Joseph R. Dawson applies for the enrollment of himself and his five minor children, Clarence B., Council J., Elmer A., Cleo and Rufus T. Dawson, as citizens by blood, and for the enrollment of Florence Dawson, his wife, as a citizen by intermarriage. He also applies for the enrollment of his minor child, Edgar Dawson,

--1--

who was born subsequent to the date of his original application. Edgar Dawson is properly identified by a birth affidavit.

D. 475, Group V, page 10.

Wilborn Dawson applies for the enrollment of himself as a citizen by blood.

D. 526, Group V page 11.

James R. Dawson applies for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson, as citizens by blood, and for the enrollment of his wife, Martha Dawson, as a citizen by intermarriage. He also applies for the enrollment of his minor child, Ancil F. Dawson, who was born after his application.

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Joseph R. Dawson, (Group V. page 1), the record shows is a son of Robert Dawson. He was admitted to citizenship in the Cherokee Nation by the Tehee Court, January 11, 1883, under the name of Joseph Dawson. Joseph R. Dawson was married to Florence Jackson May 16, 1886. Florence Dawson is a daughter of Ella or Ellen Jackson or Dawson, who was admitted apparently by the Spears Commission or Court, Sept. 9, 1884. She seems to have been of age at the date of her mother's admission. The minor children applied for by Joseph R. Dawson are the issue of the marriage between himself and Florence Dawson. Joseph R. Dawson, his wife and their four older children are identified by the Cherokee census roll of



two  
1896. The younger children are identified by birth affidavits.

Wilborn Dawson, (Group V. page 10), was admitted to citizenship in the Cherokee Nation by the Tehee Court, January 11, 1883. He is identified by the 1896 census roll.

James R. Dawson, (Group V. page 11), was admitted to citizenship in the Cherokee Nation under the name of James Dawson, January 11, 1883. He was married to Martha A. Dawson February 20, 1890. The principal applicant, his wife and their three older minor children are identified by the 1896 census roll.

Joseph R. Dawson has lived in the Cherokee Nation since 1883, and Florence and Wilborn Dawson have lived in the Nation since 1886, and James R. Dawson has lived in the Cherokee Nation since 1883, except that he was absent therefrom from 1883 until sometime in 1891.

Joseph R. Dawson was married to Dora L. Dawson prior to his marriage to his present wife, Florence Dawson, but the record in this group shows that he was divorced from her before he married Florence Dawson.

The Commission in its decision of December 23, 1902, held that all of the applicants to this Group were entitled to enrollment

--4--

--Florence Dawson and Martha A. Dawson as citizens by inter-marriage, and the others as citizens by blood.

Attention is respectfully invited to office report of even date, transmitting Group 1 of this case, and for the reasons set forth therein, the office believes that the Commission's decision should be approved, except as to Martha and Florence Dawson, who apply for enrollment as intermarried citizens. Their right should not be passed upon until the Court of Claims shall have made its findings and rendered an opinion in accordance with Department request of February 24, last.

Very respectfully,

(signed)

W. A. JONES,

Commissioner.

G.A.W.-L.C.

COPY.

D.C. 10518-1904.

JWE  
JP  
FHE

ITD 7442-1903.  
7464- "

LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 31, 1904.

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

Gentlemen:

On February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation, with your decision of December 23, 1902, in the matter.

In said decision you disposed of these applications by groups. Group V as disposed of by you will be considered herein.

This group includes the applications of Joseph R. Dawson Wilborn Dawson and James R. Dawson, and those claiming through them, and embraced in cases designated by you as D. 364, D. 475 and D 526. The record in this case forms a part of the record in the consolidated case of Francis M. Dawson et al., referred to above.

The application of Joseph R. Dawson, D 364, was for the enrollment of himself and his six minor children, Clarence E., Council J., Elmer A., Cleo, Rufus T. and Edgar Dawson, as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Florence Dawson, as a citizen thereof by intermarriage.

The said Joseph R. Dawson was admitted to Cherokee citizenship January 11, 1883, by a decree of the Teehee Court. He is identified upon the Cherokee rolls of 1883, 1886, 1894 and 1896, and has resided in said nation since 1883. May 16, 1886, he was married to Florence Jackson.

Under title D 364, you classified Florence Dawson, nee Jackson, as an applicant claiming enrollment by intermarriage, and in your decision of December 23, 1903, you held that she was entitled to enrollment as such. It appears, however, from your field notes of October 19, 1901, that a change was made in her classification, and that she was entered upon a doubtful card as an applicant for enrollment as a citizen by blood of the Cherokee Nation.

It appears however, that her mother, Ella Jackson, who was formerly a member of the Dawson family, was admitted to Cherokee citizenship September 9, 1884, by a decree of the Spears Court. The petition upon which that decree was founded was dated September 14, 1883. Doubt has been expressed as to whether Florence Dawson was a minor when her mother was admitted. From her testimony it seems that she was born December 11, 1863. This being true she was under 21 years of age at the date of the decree referred to above, and under 20 years of age when said petition was filed. She was unmarried and a member of her mother's household when the latter was admitted. She is identified upon the 1896 census roll and has resided in the Cherokee Nation with her husband since their marriage in 1886. The minor children named above are the issue

of the marriage between Joseph R. and Florence Dawson. The four older children are identified on the Cherokee census roll of 1896; the two younger are identified by birth affidavits.

The application of Wilborn Dawson, D 475, was for the enrollment of himself as a citizen by blood of the Cherokee Nation. He was admitted as such by the decree of the Teehee Court, dated January 11, 1883. He has resided in the Cherokee Nation, since 1886, and is identified upon the 1886, 1894 and 1896 tribal rolls.

The application of James R. Dawson, D 526, is for the enrollment of himself and his four minor children, Vinnie D., Ermine C., Edwin C., and Ancil F. Dawson, as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen of said nation by intermarriage. The said James R. Dawson is the James Dawson who was admitted to Cherokee citizenship by decree of the Teehee Court dated January 11, 1883. He is identified upon the payrolls of 1883 and 1894, and the census roll of 1896, and has resided in the Cherokee Nation since 1883, except during a temporary absence from 1889 to 1891. He was married to the said Martha A. Dawson February 20, 1890. She is identified upon the 1896 census roll and has resided with her husband in the nation since their marriage. Their older children named above are identified upon the 1896 census roll; their fourth child is identified by a birth affidavit. It is considered that the residence of all minor children is that of their parents.



In said decision of December 23, 1902, you held that all of the applicants named above, except Florence Dawson and Martha A. Dawson, were entitled to enrollment as citizens by blood, and that they were so entitled as citizens by intermarriage.

Reporting in reference to this group, October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except as to Florence and Martha A. Dawson.

The attorney for the Cherokee Nation protests against the enrollment of these applicants claiming that the decrees under which they were admitted were obtained through fraud. His contention was disposed of in an opinion dated February 16, 1904, by the Assistant Attorney General, approved by the Department, relative to the application of Francis M. Dawson et al., copy of which was forwarded to you February 24, 1904.

The Department considers that your decision relative to those applicants named above who claim enrollment as citizens by blood is correct. Said decision is hereby affirmed as to them. The Department can discover no reason from the record as it now stands why Florence Dawson should not be enrolled as a citizen by blood. Inasmuch, however, as neither your Commission nor the Commissioner of Indian Affairs discussed her rights as such, the record is herewith returned for further consideration, and (if necessary) further investigation. In this connection see Department's decisions of even date concerning James Lowe and Lizzie Jackson (Groups I and II of the Dawson case).

No action will be taken at this time respecting the rights, if any, of Florence Dawson and Martha A. Dawson, as citizens by intermarriage.

A copy of Indian Office letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

(signed) Thos Ryan,  
Acting Secretary.

2 inclosures.

(COPY)

I.T.D. 7449-1904.

JW TCF SVF.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY GENERAL,

WASHINGTON, February 16, 1904.

The Secretary of the Interior.

Sir:

I am in receipt, by reference of December 29, 1903, of the report, October 16, 1903, of the Commissioner of Indian Affairs, transmitting the proceedings of the Commission to the Five Civilized Tribes upon the application of Francis M. Dawson and others (230 persons) for enrollment as citizens by blood of the Cherokee Nation, with request for my opinion----

as to the powers and duties of the Commission and the Department in cases of this class, that is, where persons have been admitted to Cherokee citizenship by tribal acts and decrees, where fraud is alleged.

If, in your opinion, the Department has the authority to investigate cases of this kind, it desires to be advised:

1. What character of evidence is sufficient to warrant such investigations?
2. If proper evidence of fraud exists, should applicants be rejected or allowed to rehear to show, if possible, other and lawful grounds for enrollment?
3. In this, the Dawson case, what action should now be taken by reason of the alleged fraud?

Part of the applicants claim under judgments of the Cherokee Citizenship Court of January 11, and September 14, 1903, admitting them or their ancestors to citizenship, and others claim, as stated by the letter of reference, under act of the National Council, approved December 1, 1894, granting such admission. Council for the Nation opposes enrollment of those claiming under

the judgments, on the ground that they were procured, as it is claimed, by bribery of the clerk of the court and by perjured testimony.

The ground of objection to enrollment of those claiming under the act of the Council does not appear to be discussed in the briefs submitted in the cases based upon judgments of the citizenship court, which are transmitted with the papers.

The Commission admitted the applicants to enrollment, and states the ground of its decision, that:

It is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 30 U.S. page 41, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment rendered. Only such facts therefore are considered by this Commission as were not part of the record in the Robert Dawson case before the Teahoe Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teahoe Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

The duties of the Commission as to persons (not freedmen) enrollment are defined by the first paragraph of section 210 of the act of June 28, 1898 (30 Stat., 495) 502), which directed the Commission to enroll all Cherokees (except freedmen) found on the roll of 1860 and descendants afterward born to them, 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 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 quit all such as may have been placed there by fraud or without authority of law, enrolling only such as





to its development and progress. They have built homes, improved lands, accumulated property, have always been recognized as Cherokees, been chosen to office, participated in the conduct of national affairs, been borne on its various rolls, participated in distribution of public moneys, and for twenty years have been in fact recognized as Cherokee citizens. When they apply for enrollment by the Commission to the Five Civilized Tribes they are met by the objection that they have in fact no Cherokee blood; that the testimony upon which the original decree was rendered ( the witness being now dead) was perjured; that the first petitioner ( now dead) corrupted the court (two of whom are now dead), and the present applicants, none or few of whom are charged with wrong-doing, must give up their lands and homes to those who have not improved, cultivated or built them, lest the nationality to which many of them have been born, and all are loyal, and seek elsewhere a new nationality, establish new homes, and work out a new heritage.

Assuming for the moment that the charge were fully proven, the result contended for does not, in my opinion, follow: It is said by Freeman on Judgments, section 436, 4th edition, that "the defendant in an action upon a judgment is never permitted to show that it was procured by perjury," citing *Demeritt v Igford* (27 N.H. 541), and *Cottle v Cole* (20 Ia., 481). The same author says, section 503, that "equity will not relieve (against a judgment) on the ground of the absence of a witness who with diligence could have been procured, nor on the ground that a witness was guilty of perjury, nor because the suitor was absent from court, for it is his business to be there," citing *Cott v Carr*, 6 Gill & J.

(Md), 309, and Dilly v Bernard, 3 Gill & J., 171. Again, section 289, the author says:

The settled policy of the law forbidding that a matter once adjudicated shall be again drawn in issue while the former adjudication remains in force does not permit the prosecution of an action for obtaining a judgment by false and fraudulent practices, or by false and forged evidence. Neither can a party against whom judgment has been recovered sustain an action against his adversary and the witnesses for damages occasioned by their conspiring together and procuring a judgment by fraud or perjury as long as the judgment remains in force and unreversed; (citing)-

Hillsborough v Nichols, 46 N.H. 379; Engstrom v Sherburne, 137 Mass. 183; Note 266, by C.H. & E., to Phillips on Evidence; Dunlap v Glidden; 31 No. 435; 52 Am. Dec. 625, . . . Cunningham v Brown, 28 Vt. 123; 46 Am. Dec. 140; Smith v Lewis, 3 Johns. 187; 3 Am. Dec. 469.

The general rule is that judgments of every tribunal having jurisdiction, while remaining in force and not reversed or vacated, are conclusive upon the matters adjudged and not open to question in a collateral proceeding. This rule was fully sustained by the court in United States v Throckmorton (28 U.S., 61, et seq.) wherein the United States sought to cancel the patent to lands issued upon a decree for confirmation of a Mexican land grant, obtained as it was charged by a fraudulently antedated grant.

Nothing in the act in question indicates that a rule of law so wholesome, so essential to the stability of judgments, and to the peace of society, was intended by Congress to be abrogated. I am therefore of the opinion that judgments of the Indian tribal courts upon the question of Cherokee blood, left for years in force, unquestioned, and which never have been vacated, should be held conclusive upon the nation, and that the Commission correctly so held.

It is proper, however, here to remark, in justice to the dead applicant and the judges, that the evidence in the record, in my opinion, falls far short of showing improper conduct or motive on their part, or even to show error in their judgment. The strain of Cherokee blood claimed by the Dawson family originated in a marriage contracted prior to about 1823, so remote in time that it could only be established by persons already old in 1882. It could not be neither proved nor disproved by direct testimony of any one living, and is capable of proof only by family tradition, dimmed by the lapse of almost a century. It is obvious that judgments ought not to be brushed aside and rights supposed to be vested to be struck down on that kind of evidence and in a collateral proceeding. I am therefore of the opinion that no action for a correction of the alleged fraud ought to be taken as to those cases standing upon the adjudications.

As to the cases standing upon the acts of admission of the Cherokee Council, the same result follows, but for other reasons. This was a legislative grant. The Cherokee Council had plenary power to grant rights of citizenship. Being a legislative body, it was not bound by technical rules of evidence obligatory upon judicial tribunals. It might act on any evidence satisfactory to itself of the fact of Cherokee descent, or it

might grant citizenship to one not of Cherokee descent. Having made the grant, neither its motive nor the sufficiency of the evidence moving it, is open to question. That it did not make the grant is alone and of itself sufficient.

Very respectfully,

(Signed) Frank L. Campbell,

Assistant Attorney General.

Approved: February 18, 1904.

(Signed) E. A. Hitchcock,

Secretary.

Talkequah, Indian Territory, May 9, 1904.

Commissioner to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

There are returned herewith Cherokee doubtful cards as follows:

D-366, Florence Dawson;  
D-326, Martha A. Dawson;  
D-378, Sarah J. Dawson.

The applicants on each card, except the intermarried applicant, have been transferred to straight cards in accordance with the decisions of the Commission, and the cards are now returned to be retained in the office of the Commission at Muskogee until disposition has been made of the intermarried applicants.

The original jackets and records are also enclosed herewith.

Respectfully,

Commissioner in Charge  
Muskogee Land Office



COPY

Muskogee, Indian Territory, September 20, 1904.

A. S. McKennon,

Attorney for James R. Dawson, et al.,  
South McAlester, Indian Territory.

Dear Sir:

In accordance with your verbal request of yesterday, you are advised that the name of James R. Dawson appears upon a partial roll of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior on July 2, 1904, opposite Nos. 31787, together with the names of his minor children, Virginia B., Ernest B., Edwin C., and Ansell F. Dawson, whose names appear on said roll opposite Nos. 31788, 31789, 31790 and 31791, respectively.

Respectfully,

JAMES BIRBY,  
Chairman.

Cherokee 10745

James H. Dawson et al

For recordin this case see

Cherokee D-526

Cher 10746

Mollie Moore

Trans. from D518

Cher 10746

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, R.T., October 4, 1900.

In the matter of the application of Charles T. Moore 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 Charles T. Moore .  
Q How old are you? A 45.  
Q What is your post-office address? A Vinita.  
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 or intermarriage? A Intermarriage.  
Q For whom do you apply? A Myself, wife and children.  
Q What is the name of your wife? A Mollie Dawson when I married her.  
Q What is her age. A About 36.  
Q Have you a certificate of marriage, A Yes sir. (Produces papers)  
Com'r: The applicant presents duly authenticated license and marriage certificate certifying that he was married to one Miss Mollie Dawson according to the laws of the Cherokee Nation on the 17th day of January 1887.  
Q What is the name of your wife's father? A Robert Dawson.  
Q Is he living A No sir, dead.  
Q Name of her mother? A I don't remember.  
Q Do a your wife's name appear upon the roll of 1880? A No sir.  
Q What proof have you got of her citizenship? A Produces papers)  
Com'r: The applicant presents certificate of admission issued from the office of the Commission on citizenship, Tahlequah January 11 1883, signed by Thomas Teehee, President of the Commission, and Alex Wolfe and T. P. Thompson, Commissioners, D.W.C. Duncan Clerk of the Commission, duly attested by D.W.C. Duncan, in which certificate appears the name of Mollie Dawson;  
Q Is she the identical person for whom you apply for enrollment as your wife? A Yes sir  
Q When did you remove to the Cherokee Nation? A In March 1883.  
Q Been living here ever since? A Yes sir  
Q Was she ever married before you married her? A No sir.  
Q Were you ever married before? A No sir  
Q You have been living with her continuously since your marriage to her? A Yes sir.  
Q And she has been living here continuously since 1883? A Yes sir.  
Q What are the names of your children? A Nora Moore, 17; Walter Moore, 12 years old; Clara Moore, aged 8 years; Ora Moore, aged 5; James Wilburn Moore, 2 years old.  
Q These children alive and living with you? A Yes sir.  
Q Born in the Cherokee Nation? A All of them but one.  
Q You say the oldest one, Nora, was not born in the Cherokee Nation?  
A No sir.  
Q Where was she born? A She was born in Arkansas.  
Q She is the child of Mollie though, is she? A Yes sir, and my child.  
1896 roll page 501 306 Charles T. Moore, Delaware District;  
1896 roll page 506 3126 Mollie Moore  
1896 roll page 506 3127 Nora Moore  
1896 roll page 506 3128 Walter Moore  
1896 roll page 506 3129 Clara Moore  
1896 roll page 506 3130 Ora Moore

Q You were married in the State of Arkansas? A Yes sir, I was the first time, but we married over in this country.  
Q But you removed here in 1883? A Yes sir, married in 1883.

Com'r Needles: The name of Charles T. Moore appears upon the census roll of 1896, and he makes satisfactory proof of his marriage to his wife Mollie Dawson in the year 1887, and her name is found upon the census roll of 1896; he presents certificate of admission to citizenship, more particularly described in the testimony, certifying that one Mollie Dawson was admitted to Cherokee citizenship in 1883, and that she removed to the Cherokee Nation in the same year, and have been living here continuously ever since; the names of his children, Nora, Water, Clara and Ora are found upon the census roll of 1896, and he presents proof of birth as to his youngest child, James W., whose name does not appear upon the census roll of 1896, he having been born after the same was compiled;

They being duly identified, -- now comes the Cherokee Nation by its representatives and protests against the enrollment of the said Mollie Dawson, wife of said Charles T. Moore, and her descendants; by reason thereof final judgment as to the enrollment of said ~~Mollie Dawson~~ Charles T. Moore, his wife Mollie and his children, as enumerated in the testimony will be ~~ph~~ suspended, and their names will be placed upon a doubtful 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 4th day of October 1900.

*J. H. [Signature]*

Commissioner.



# CHEROKEES BY BLOOD AND ADOPTION.

Name *W. M. ...* Date *14-1900* *1900.*  
 District *...* Year *1896* Page *151* No. *360*

Citizen by blood *...* Mother's citizenship  
 Intermarried citizen *...*  
 Married under what law Date of marriage  
 License Certificate

Wife's name *...*  
 District *...* Year *...* Page *506* No. *5126*

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
<i>31 ...</i>	Dist.	Year <i>1896</i>	Page <i>506</i>	No. <i>2127</i>	Age <i>17</i>
<i>4 Matt</i>	Dist.	Year <i>1896</i>	Page <i>506</i>	No. <i>2128</i>	Age <i>15</i>
<i>5 Clara</i>	Dist.	Year <i>1896</i>	Page <i>506</i>	No. <i>2129</i>	Age <i>8</i>
<i>6 Ora</i>	Dist.	Year <i>1896</i>	Page <i>506</i>	No. <i>2130</i>	Age <i>7</i>
<i>7 James H.</i>	Dist. <del>...</del>	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
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

*W. M. ...*

*1896*

2  
1

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
OCT 4 1900

*[Handwritten signature]*  
ACTING COMMISSIONER

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
1871

Hand  
1421

This is to certify that the ceremony of  
-charity between the within named parties  
was duly performed by me on the \_\_\_\_\_ day  
of \_\_\_\_\_ 1871.

f

6

This is to certify that the Ceremony of  
Divorce between the within named parties  
was duly performed by me on the ... day  
of ... 188...

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FREE CIVILIZATION  
1881  
1881

# Marriage License

CONSTITUTION OF THE STATE OF NEW YORK  
SECTION 10

That the people of the State of New York do hereby enact and declare,  
That the following provisions shall be observed in the

You are hereby commanded, in the

name and behalf of the State of New York, to cause to be published  
the following provisions of law, to wit:

That the following provisions of law shall be observed in the

and by the said State of New York, to wit: That the

having complied with the laws relating to the

of the said State of New York, to wit: That the

of the said State of New York, to wit: That the



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

February 21, 1905

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Charles [unclear] for enrollment as  
[unclear] of the Cherokee Nation.

Witness

[Signature]

NO. 1

[Signature]

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Charles T. Moore et al for enrollment as Cherokee citizens.

Appearances:

Mr. Mellette, of Vinita, I. T., attorney for applicants;  
W.W. Hastings, attorney for the Cherokee Nation.

BY MR. MELLETTE: The attorney for the applicant desires that the act of the Tehee Commissioner's Court, admitting Mollie Dawson, wife of the applicant, be copied in full from the official records ~~in~~ new in the hands of this Commission.

BY COMMISSIONER NEEDLES: On page 114, No. 108, record of the Commission on Citizenship, from 1880 to 1884.

BY MR. MELLETTE: I want the pay roll of 1883, and 1886 and 1890, of Delaware District;

1883 pay roll Cherokee Nation, for applicants, and their names not found, either in Delaware or Coovescoowee districts.

1886 pay roll of Cherokee Nation, No page given, No. 1458, Mollie Moore, Delaware District. Note: "Formerly a Dawson." No age given.  
1459, Nora Moore, no age. No. 1460, Maud Moore, 16 months old (dead)

1890 pay roll examined, page 388, No number, Charlie Moore, adopted white.  
same page, Mary Moore, no age or nationality. Nora, Walter and Hugh, in the same family.

CHARLES T. MOORE, being first duly sworn and being examined testified as follows:

BY COMMISSIONER NEEDLES:

Q What is your name? A Charles T. Moore.

Q What is your age? A 47.

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

BY MR. MELLETTE:

Q You are the applicant in this case are you, Mr. Moore?

A Yes sir.

Q Upon the pay roll of 1890 certain names have just been copied in the record; Charles Moore, who is that? A I am the person.

Q Mary Moore, who is that? A That is my wife, Mollie.

Q Is she called Mary? A Yes sir.

Q What name does she usually go by? A Mollie.

Q But that is your wife? A Yes sir.

Q Nora, is that your child? A Yes sir, now living.

Q Walter, is that your child? A Yes sir, now living.

Q Hugh? A That is my child, he is dead.

BY MR. HASTINGS:

Q You didn't draw for yourself, there are just the four members of your family? A Three I guess.

Q Well you had a wife and three children? A Yes sir.

BY MR. MELLETTE:

Q Did you draw money for your wife and children in 1883, the year you moved to this country? A Yes sir, in the fall of 1883, at Vinita.

BY MR. HASTINGS:

Q Where? A At Vinita.

Q At the regular payment? A Yes sir, I was enrolled along in the summer before at Behe, in I think October sometime in October, or November; I drew for two persons, my wife and one child, 51 dollars.

BY MR. MELLETTTE:

I want the 1894 pay roll, of Delaware district.

Q Have you a child named Carrie now? A Yes sir.

1894 pay roll of the Cherokee Nation examined, page 431 No.

1922 Mary Moore, Delaware District.

page 431 No. 1923 Nora Moore, Delaware District;

page 431 No. 1924 Walter Moore, Delaware District;

page 431 No. 1925 Carrie Moore, Delaware District.

BY MR. MELLETTTE: I want the testimony of F.M. Dawson case made part of the testimony in this case, No. D524.

BY COMMISSIONER NEEDLES:

That will be ordered.

The decision of the Cherokee Commissioner's court above introduced is as follows:

The record of the judgment of the Cherokee Commission on Citizenship, on page 114, No. 180, is as follows:

"Office Commission on  
Citizenship, Tahlequah C. W.  
September 24th, 1881.

No. 108,  
Robt Dawson,  
Elbert Dawson,  
Jasper Dawson,  
John Dawson,  
Josephine Dawson,  
Joseph Dawson,  
John Dawson,  
Molly Dawson,  
Wilbren Dawson,  
James Dawson,  
Eial Dawson,

Petition for citizenship.

vs.

Cherokee nation.

Continued by the plaintiff.  
Oct 5, 1881.

January 18th 1882.

The above case continued by the Cherokee Nation till Sept. term.

Agreed by the parties that the above case shall not be taken up for final disposition before the 4th day of Oct. 1882.

Oct. 4th, 1882.

It is agreed by the parties that this shall be finally disposed of at the next January term, if the Claimant is present - demanding the same; if not, the case shall be then continued to the September term 1883.

On this agreement Commission continues the case till the next January term, to wit January 1883.

And now on this 11th day of January A. D. 1883 this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship that the Claimant, Robert Dawson, is entitled

Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson,  
Joseph Dawson, Jane Dawson, Molly Dawson, Wilbrow Dawson,  
James Dawson, and Rial Dawson are Cherokees 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 they are, hereby admitted to the full and  
complete enjoyment of the same in all respects as native  
born Cherokees.

Thos. Tate, President of  
Com.

D.W.C.Duncan,  
Clerk of Commission.

Alex Wolfe,  
T.F.Thompson, Commissioners.

Transcript issued to Claimants January 11th, 1883.  
D.W.C.Duncan,  
Clerk."

Marginal note: "Case submitted by Claimant January 11th,  
1883.  
Case submitted by the Solicitor, January 11th, 1883."

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.

M.D. Green

DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes,  
Muskogee I. T. June 13, 1902.

In the matter of the application of Charles T. Moore et al for enrollment  
as citizens of the Cherokee Nation.  
Cherokee D 518.

Brief on part of the Cherokee Nation.

The judgment in this case will depend upon the decision reached in the  
case of Francis M. Dawson et al Number Cherokee D 324 and the Commission  
is respectfully referred to that case for an extended brief and argument  
as to the right of the applicants to be enrolled as citizens of the  
Cherokee Nation.

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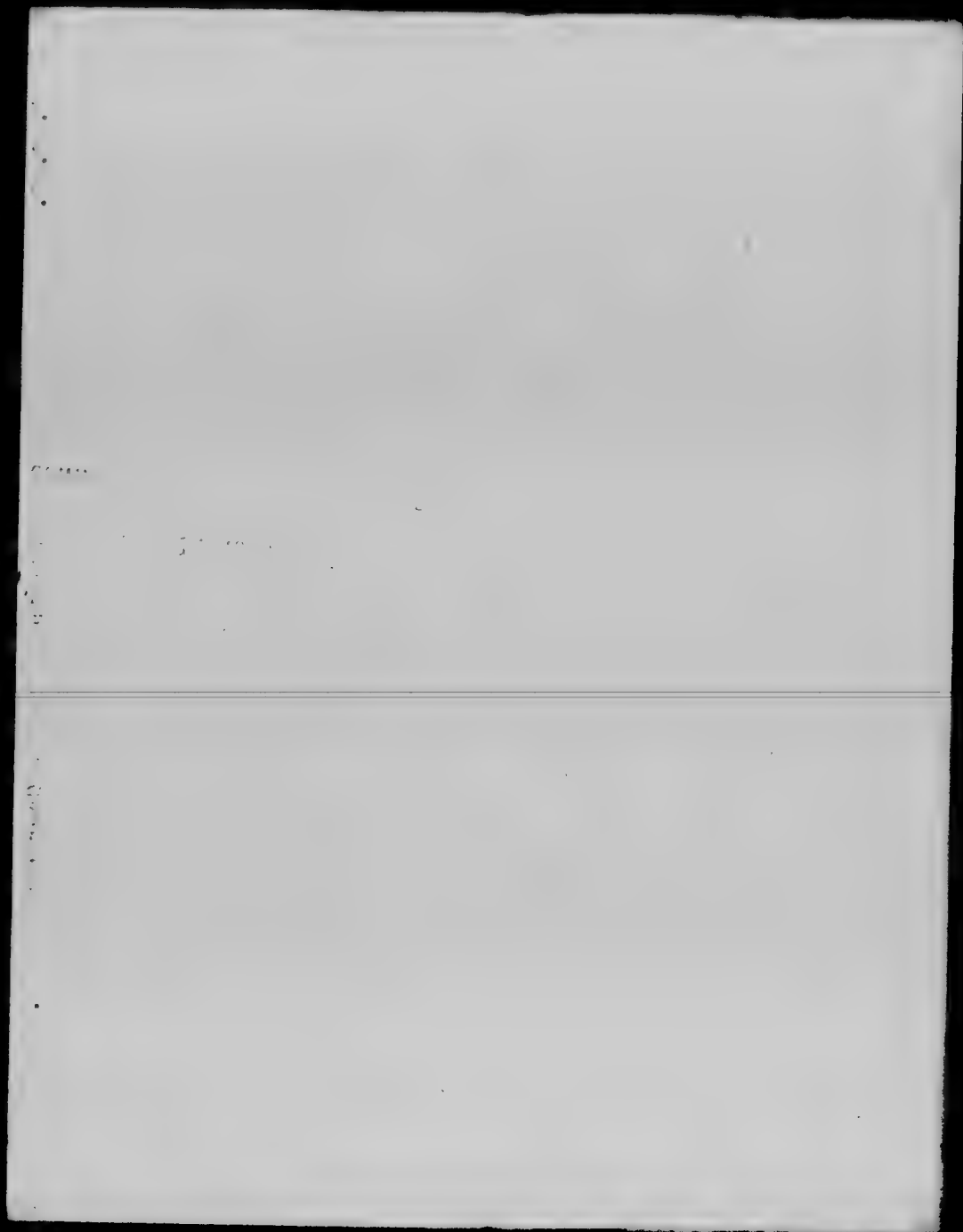
Respectfully Submitted,

*W. W. Hastings*

Attorney for the Cherokee Nation.

J. C. S.





DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., October 10, 1902.

In the matter of the application of Charles T. Moore for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Molly Moore, and his six minor children, Nora, Walter, Clara, Ora, James W. and Edna Edith Moore, as citizens by blood, of the Cherokee Nation.

Supplemental Proceedings.

CHARLES T. MOORE, being sworn, testified as follows:

By the Commission,

- Q What is your name? A Charles T. Moore.  
Q What is your age, Mr. Moore? A Forty-seven.  
Q What is your postoffice? A Vinita.  
Q Are you the same Charles T. Moore that made application to the Commission for enrollment as an intermarried citizen in October, 1900? A Yes, sir.  
Q What is your wife's name? A Her name is Mary, commonly called Molly on the rolls.  
Q Commonly called Molly? A Yes, sir.  
Q Who made application for her? A I did.  
Q Give her name as Molly, did you? A Yes, sir.  
Q Is your wife a Cherokee by blood? A Yes, sir.  
Q When were you married to your wife, Molly? A Well, I have been married twice, I was married in the States.  
Q Well, give the first; what state were you married in? A I was married in Arkansas.  
Q Married in Arkansas the first time? When did you come to the Nation? A I came to the Nation in March, '83.  
Q And then were you married again to the same woman? A Yes, sir, married under the Cherokee law.  
Q When? A Well, it is in the winter of '95 or '6, I am not certain which. In that winter '95 or '6, I don't remember now.  
Q Was it before or after the law was repealed? A In '86.  
Q '86, you mean? A Yes, sir, the winter of '85 or '6.  
Q Then you mean instead of '95 and '96, '85 or '86? A Yes, sir.  
Q Did you take out a Cherokee license? A Yes, sir, turned it over to the Commission when I made application.  
Q Now, Mr. Moore, had you ever been married prior to your marriage to your wife, Mollie? A No, sir.  
Q Had she ever been married prior to her marriage to you? A No, sir.  
Q You're her first husband and she's your first wife? A Yes, sir.  
Q After you and your wife moved from Arkansas to the Territory she was admitted to citizenship? A I can't understand.  
Q I say, after you and your wife moved from Arkansas over here to the Territory, she was admitted to citizenship? A She was admitted before; admitted in January, '81, I believe, I am not right certain about the year but I think that's it.  
Q Well, have you and your wife, Molly, lived together as husband and wife since you were married up to the present time? A Yes, sir.  
Q Still living together? A Yes, sir.  
Q Were living together as husband and wife on the first day of September, 1902? A Yes, sir.  
Q You have never had any falling out or separation? A No, sir.

- Q Have you lived in the Cherokee Nation continuously from the time of your marriage in '85 or '6 up to the present time? A Yes, sir.  
Q You have never lived out during that time? A No, sir.  
Q Has your wife, Molly, lived here with you during all that time?  
A Yes, sir.  
Q Now, these children, Nora, Walter, Clara, Ora, James W. and Mina Edith, are your children by your wife, Molly? A Yes, sir, they're my children.  
Q Are they all living at this time? A Yes, sir.  
Q Have they lived in the Cherokee Nation all their lives? A Well one of them, the oldest, was born before we came here, Nora.  
Q She has lived here ever since you came? A Yes, sir, ever since '83.

Netta 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.

Netta Chick

Subscribed and sworn to before me this 18 day of October, 1902.

[Signature]  
Notary Public.



Copy

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

CHEROKEE ENROLLMENT OFFICE.

Winita, Ark. Mar 24 A D 1903

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
31 518	Charles L. Moore		47
1 518	Molly Moore	Wife	38
2 518	Walter Moore	Son	14
L 518	Clara Moore	Daughter	10
L 518	Ora Moore	Daughter	7
L 518	James W. Moore	Son	4
L 518	Edna Edith Moore	Daughter	1

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

F. B. Reuter

Enrollment Clerk

James Whisby

Chairman

JOK



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I. T., SEPTEMBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and being sworn by Commissioner, D. R. Breckinridge, testified as follows:

- Q What is your full name? A Francis Marion Dawson.  
Q What is your age? A I am fifty eight years old.  
Q What is your Postoffice? A Ocoona.  
Q What District do you live in? A Delaware.  
Q Who is it you want to have enrolled? A Myself and family.  
Q Your wife? A Yes, sir.  
Q How many children? A Six.  
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.  
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.  
Q How long have you lived in the Cherokee Nation? A Since 1853.  
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1853, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

- Q That is your name is it? A Yes, sir.  
Q This is recognized as satisfactory evidence of the facts stated.  
Q Have you lived in the Cherokee Nation ever since your admission?  
A Yes, sir; in Delaware District ever since.  
Q Give us the name of your wife? A Katie Dawson.  
Q How old is she now? A Forty five.  
Q Was she admitted with you? A No, sir.  
Q Have you married her according to Cherokee law since your admission? A No, sir.

Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. S. Gaudelock, in Garret County, Arkansas, the license being issued by the clerk of that County.

These papers are filed herewith.

- Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.  
Q Or at any other time? A No, sir.  
Q By act of the Commission or Council? A No, sir; she was placed on the rolls.  
Q On the census rolls? A Yes, sir.  
Q Give us the names of your children, please? A Lula.  
Q How old? A Seventeen.  
Q Next child? A Ray.  
Q How old? A Fifteen.  
Q Next child? A Jessie Jane.  
Q How old? A Fourteen.  
Q Next child? A Jacob Levy.  
Q How old? A Ten.  
Q Next child? A Hugh A.  
Q How old? A He is eight; I believe.

Q How old is your child? A She is four years old.  
 Q Is she only? A Yes, sir; say I know. I have others, but they  
 are not here.  
 Q Are they all yours? A No, sir.  
 Q Are they ever at? A Yes, sir.

- (1890 Roll, Page 461, 1892, Francis Marion Dawson, Delaware.
- (1890 Roll, Page 509, 1895, Katie Dawson, Delaware District.
- (1896 Roll, Page 461, 1903, Lula Dawson, " "
- (1896 Roll, Page 461, 1904, Ray Dawson, " "
- (1896 Roll, Page 461, 1905, Jesse James Dawson, Delaware Dist'.
- (1896 Roll, Page 461, 1906, Jacob Levy Dawson, " "
- (1896 Roll, Page 461, 1907, Hugh A. Densmore Dawson, " "
- (1896 Roll, Page 461, 1908, Laura Albertie Dawson, " "

Q Is this Lula or Luly? A Luly.  
 The applicant applies for the enrollment of himself, wife and  
 six children:  
 Q Were those children all born since you were admitted into the  
 Cherokee Nation? A Yes, sir.

The applicant is known by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1893; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission; she has never been remarried according to Cherokee law. She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

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 16th day of September, 1900.

(Signed) C. R. Breckinridge,  
 Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :  
of F. M. Dawson and others as :  
Cherokee citizens. :  
----- :

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Demison in the Gray-Ralsoll building in the town of Vinita, Indian Territory, on Thursday the fourth of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DEMISON:

- Q State your name, age, residence and occupation?  
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.
- Q How long have resided in the Cherokee Nation? A All my life.
- Q Are you a citizen of the Cherokee Nation as now constituted?  
A Yes, sir.
- Q Upon what is that citizenship based, blood or otherwise?  
A Blood.
- Q What, if any official position have you held in the Cherokee Nation, and at what time?  
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
- Q Do you remember when that was? A Some tin in 1880 or 1881, I think, it may have been earlier.
- Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
- Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?  
A There were three, Tenec, Wolf and myself, Tenec was President of the Court.
- Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
- Q Did you have a Clerk? A Yes, sir.
- Q Do you remember who that was? A D. W. C. Duncan.
- Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
- Q Can you recollect now what period of time that Commission lasted?  
A About two years I think, two, sessions, and there was one session each year.
- Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?  
A Yes, sir.
- Q Were the cases coming before that body heard in open session?  
A Yes.
- Q Witnesses examined orally? A Yes, sir.

Q Did the Court or Commission pronounce its open session?  
A Yes, the decisions I think they sometimes had secret sessions,  
but the judgments of the Commission were pronounced openly.  
Q Did you intend to convey by you answer to the former question  
that after hearing the proof the Commission or Court deliberated  
in secret session upon the testimony taken before reaching a  
decision in announcing it? A After hearing all the testimony  
in a secret session.

Q I present you with a paper which the Notary will mark  
with "A" and a copy of which he will attach to your deposition,  
I will ask you if with the exception of the certificate of record  
of L. L. Praydon, Clerk, and John L. Adair Asst. Ex. Secretary,  
you recognize it as a paper you have ever seen before?

A I recognize the signature to it, but don't remember the instrument.

Q Which signature on that paper do you recognize? A My own.

Q That signature is in your own handwriting? A Yes, sir.

Q Do you know whether Thomas Tehee, president of the Commission  
could write in English or not? A No, I don't think he could  
write in English or Alexander Wolfe, a member of the Commission?

Q I don't think he could write either, I don't think either of  
them wrote except by touching the pen.

Q Where you, and are you familiar with the handwriting of  
John L. Adair, the Clerk of that Commission?

A Tolerably well, but it has been a long time since I saw it.  
Q Will you look at the paper again and say whether you recognize  
the signature attached thereto?

A Yes, that is his signature to the best of my knowledge.

Q Do you preserve any personal recollection of the application  
before that Commission of F. H. Dawson and other members of the  
Dawson family, to be admitted as citizens of the Cherokee Nation  
by the Commission?

A I remember F. H. Dawson and his brother, that is about the only  
ones I remember.

Q The question was not as to the personal recollection of the  
individuals, but as to the claim being presented by the Dawsons  
for admission?

A Yes, there was such a claim before the Commission.

Q Can you state as to the citizenship of Thomas Tehee, whether he  
was a citizen of the Nation by blood or not?

A Yes, sir, he was always recognized as such, full blood besides.

Q What is your knowledge of Alexander Wolfe?

A About the same, he was also a full blood and recognized as a  
Cherokee.

Q Judge Thompson, if you possessed or had, or have now any  
knowledge of any corruption or bribery of the court or Commission,  
or any member of it by F. H. Dawson or any of the Dawson family  
or anybody connected with the presentation of their claim for  
citizenship, state it fully?

A None whatever as far as I was concerned, and I don't think there  
was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the  
certificate shown you is in your handwriting?

A Yes, sir.

Q Now if Mr. Duncan certified that this is a transcript of the decision  
in the case, he is mistaken, that is the original?

A No, I don't know, that may be the original, if that is not the  
original I don't sign it, if it is the original I signed it.

Q You state that the witnesses were examined orally before the  
Court, don't you know that in almost every case you took ex parte

affidavits of witnesses when those witnesses were not present?

A I think we ruled ex parte evidence out, as well as I remember.

Q Did you have any stenographer or anybody to copy the evidence?

A Mr. Duncan did all of the copying.

Q Was the evidence copied and preserved?

A Yes, sir, I think it was.

Q What was done with that evidence, where was any of it ever put?

A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.

Q When you went into secret session did you have Mr. Duncan read the evidence to you?

A Yes, sir, we went over the evidence thoroughly.

Q Did you allow the applicants or their attorneys admission to any of your secret sessions?

A No, sir.

Q When you go ready to render your decisions did you then send the applicants or their attorneys?

A No, sir.

Q Did you render them in secret also, did you? A Yes, sir.

Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.

Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.

Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.

Q How could your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.

Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.

Q Who was the attorney for the Dawsons? A Old man Houston Bengo.

Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.

Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.

Q How long were you considering the case altogether?

A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time sitting in testimony.

Q There were only two or three witnesses examined all told, were there not?

A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.

Q Well the court was a good while arriving at its conclusion after the evidence was closed?

A Yes, quite good while, I don't remember the exact time.

#### RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the commission had during the hearing of the Dawson case.

A His name was Reese, I forgot his given name.



Q Do you know whether he is living or dead?  
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.  
Q What was he, a Cherokee by blood?  
A He was considered a Cherokee by blood.  
Q Do you know where he lived at that time?  
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,  
Indian Territory,  
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her by certify that the instrument hereto attached was filed for record in my office the 3 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Rich Record Mortg. & Lics, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation,  
Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,  
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1893.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,  
No. 108 Dawson, VS,  
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1893, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees 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 they should be, and they are hereby

to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan, )  
Clerk of Commission. ) Thomas Tehee, President of Com.  
Alex Wolf, )  
T. P. Thompson, ) Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883.

D. W. C. Duncan,  
Clerk of Commission.

Executive Department,  
Tahlequah, Cherokee Nation.

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. P. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the  
Witness by hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,  
Asst. Ex. Secretary.

United States of America,  
Indian Territory,  
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. P. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. P. Thompson, L. T. M. - N. P. Oct. 4, 1900. " The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902..

D. . . C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q Please state your name, age, residence and occupation?  
A My name is D. V. C. Duncan, my age is 70 years, my residence is Winita, Indian Territory, my occupation is a farmer.
- Q How long has that been your place of residence? A Since 1874.
- Q Are you a member of the Cherokee Nation as it is now constituted?  
A Yes, sir.
- Q Upon what is your citizenship based, a Cherokee by blood?  
A Yes, a Cherokee by blood.
- Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?  
A About that time I held the position of Clerk of the Citizenship Court or Commission.
- Q If you remember the names of the members of that Commission or Court, please give them?  
A The President of the Commission was Tachee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson.
- Q T. F. Thompson?  
A Yes.
- Q Do you know whether these three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?  
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
- Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragden, Clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?  
A Yes, I think I have seen this before.
- Q When, and where, if you remember, did you first see that paper?  
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
- Q Looking at its date, was it drawn up at you at the time it bears date?  
A To the best of my recollection it was drawn up at the date specified.
- Q Do you recognize the signature to the certificate attached to that paper?  
A Yes, that is my signature.
- Q State if you know, in whose handwriting the body of the paper is?  
A It is in my handwriting.
- Q And at that time you were Clerk of that Commission? A Yes.
- Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?  
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
- Q Explain please, how you came to write the signatures of Thomas Tachee and Alex Wolfe to that paper?  
A Thomas Tachee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q. That the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?

A. In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehoo's and Wolf's names and T. P. Thompson to sign his own name.

Q. You didn't catch exactly my idea, but perhaps that answered it, what I intended to call your attention to, was whether when applicants had been admitted to citizenship a paper of this kind was shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A. My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was put on the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q. If you had any knowledge at the time the application of the Dawson family, F. H. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. H. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A. I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

#### CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q. If as you certify, this paper was a transcript of the record, why did you have the judges sign it?

A. I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.

Q. Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehoo's name and see if it is not all your own handwriting?

A. No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q. How was the evidence taken in those cases?

A. It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q. Do you know whether that evidence is in existence or not?

A. I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.

Q. You say you never heard any talk about this being an improper case until very recently?

A. Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross examination

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given and r ay hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My co mmission expires 2/3/1902.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., April 8, 1903.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation, He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.  
Q How old are you? A Soon will be sixth years old.  
Q What is your postoffice address? A Afton now, it used to be  
Q What was the name of your wife? A My first wife was Julia Ann  
Q Was she a white woman? A Yes, sir.  
Q Where were you married to her? A I think it was the 8th of  
June, 1894.  
Q Where were you living at that time? A In Arkansas.  
Q Who married you? A A man by the name of Dave Sturdy.  
Q Was he a preacher? A Yes, sir.  
Q A minister of the Gospel? A Yes, sir.  
Q Did you and she live together as husband and wife up to the time  
of her death? A Yes, sir.  
Q Did you have any children by her? A Yes, sir.  
Q What are their names? A Willia R. Dawson.  
Q The next one? A Francis Marion Dawson Jr.  
Q The next one? A Johnnie.  
Q The next child? A Elizabeth.  
Q The next one? A Arizona Allred.  
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.  
Q How old are you? A I will be 51 the 13th day of June.  
Q Are you related to the applicant here in this case, Francis M.  
Dawson? A Yes, sir.  
Q How are you related to him? A Brother.  
Q Did you know his former wife, Julia? A Yes, sir.  
Q Is she living or dead? A She is dead.  
Q Was she a Cherokee or white woman? A I couldn't say what she  
they married in the states.  
Q Do you know when he was married to her? A Yes, sir.  
Q What was it? A About the close of the war.  
Q Who married them? A Parson Sturdy.  
Q How long were they married? A Yes, sir.  
Q Did they continue to live together as man and wife up until the  
time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.  
Q How old are you? A 56 years old.  
Q What is your postoffice address? A Afton.  
Q Are you acquainted with the applicant here in this case, Francis  
M. Dawson? A Yes, sir, as we call him, Bud Dawson.  
Q How long have you known him? A My first acquaintance with him  
was in '61.  
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.

Q Were you present at the marriage? A No, I wasn't present at the marriage.

Q Did you see them soon after their marriage? A Yes, sir.

Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.

Q During the time you knew them did they live together as husband and wife? A Yes, sir.

Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:

Arizona Allred et al D-835, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

---o---

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

(Signed) E. G. Rothenberger.

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

SWORN AFFIRMATION TESTIMONY in the matter of the application of  
FRANCIS M. LAWSON, ET AL., as citizens of the Muskogee Tribe

The case having been set for final hearing on the following day the following proceedings were had:

APPEARANCE

Mr. A. S. McKennon, of counsel for the applicants,  
and Mr. J. H. Hutchings, of counsel for the Nation.

Mr. Hutchings: Does now the Nation object to the case  
being taken before the Commission at Muskogee, I. T., on the  
18th of March, 1902, before the Commission at Muskogee, I. T.,  
at the place of the witness Samuel H. Henge, as set forth in the  
affidavit of this day and if the Nation objects to the case  
being taken at this place and probably all the other places. As  
evidence of good faith of the Nation we present an affidavit  
of the facts sought to be proven by the said testimony. The applicant's  
counsel are willing to concede that the witness if present would  
testify to the facts herein set forth, the Nation is ready to  
proceed to trial without reservation of any kind. If they are not  
it desires to reserve this privilege of hereafter, at or before  
or otherwise, this case being set for to-day and for now, of  
examining before the Commission, or its authorized officer, this  
witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the  
paper presented and do not admit that the witness, Samuel H. Henge  
if present would testify to the facts therein stated. They consent  
and desire that the testimony of said Henge be taken before the  
Commission at its office in Muskogee but not elsewhere, and protest  
against it being taken at any other place, with the understanding,  
however, that when taken we have opportunity to introduce any evidence  
we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing counsel,  
their client and Commission officers in taking the deposition at  
Port Gibson.

Commissioner Lockridge: The allegations of this witness are  
material in their character and are quite tangent. The Commission  
of its own volition would acquire information of that character if  
it knew of its existence anywhere. While the functions of the  
Commission, as well known are in many respects judicial yet it is  
bodied with a new set of complex powers, such as Congress creates from  
time to time to a business of certain character and it is ordered  
to make a correct call, which is a duty largely independent of  
hearing simply what is brought before them; it must be the architect  
and constructor of that call and if evidence is not brought before  
before the Commission it must go out and get it, to be uniform on  
that construction of the law. The Commission, therefore, desires  
this information independent of any counsel on either side both with  
respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease; he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson tomorrow morning at half past eight o'clock, and it is agreed that the witness be accompanied with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at eight o'clock tomorrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HITCHINGS:

- Q What is your name? A Francis M. Dawson.  
Q Where do you reside? A In Afton.  
Q You have been examined in this case heretofore, have you?  
A I don't know which case it is.  
Q In your own case? A Yes, sir.  
Q And you the one that is commonly called Bul Dawson? A Yes, sir.  
Q You made the original application in the Dawson Family for admission to citizenship in the Cherokee Nation, didn't you? A Yes, sir; my brother.  
Q What was his name? A A. E. Dawson.  
Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.  
Q And you were admitted about the 1st of January '83? A Yes, sir.  
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.  
Q Do you or not remember the evidence offered in theirs to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Terr. Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?  
A That is afterwards?  
Q Yes, afterwards? A I think there was some other evidence introduced.  
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.  
Q Who else? A Oliver Miller.  
Q Who was Oliver Miller; the records in this case have been somewhat destroyed and mutilated? A Oliver Miller, of Afton in Arkansas.  
Q What was he, who was he? A He is no kin to me or any of us.  
Q Well, what station in life did he occupy; was he a farmer?  
A Yes, sir, farmer.  
Q Were you present when he testified? A Yes, sir.  
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Do you have a fair recollection of the testimony of those two boys,  
not at all.

Q Don't read do you, Mr. Dawson? A No, sir, I don't read nor  
write; I can barely write my name.

Q Do you think you would remember the testimony of Dr. Baker if your  
mind was refreshed on it? A Part of it I think.

Q Were you present when you were admitted? A I was not in the  
court in Tahlequah at the time? A I was in the town of  
Tahlequah at the time.

Q Do you read this paper to you and desire for you to say whether or  
not you believe the testimony of Dr. Baker in your case:  
(The affidavit of Dr. Arthur Baker read to witness, and asked to  
be placed in the record later.)

Q Is that the correct transcript of the testimony? A It has been  
corrected, I could not say; a part of it is, I could not remember  
it.

Q Do you state the facts as to the family history correctly so  
far as you know? A So far as I know.

Q Do you have a son of what Dawson? A Robert Dawson.

Q Do you have any other children of Robert Dawson have, and give me their names?  
A Robert Dawson, the eldest; Lila, Jesper, Francis Marion-  
ette, that is yourself? A Yes, sir; Elizabeth Dawson, Josephine  
Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson,  
Lena Dawson, Mollie Dawson, Wilburn Dawson.

Q Thirteen? (No response.)

Q Was Robert Dawson's father was whom? A Sam Dawson.

Q Who was Sam Dawson's wife, your grandmother? A I have been told.  
Q By family history is all you know? A She was called Polly Dawson.

Q Who was Anna Pruitt? A I don't know.

Q Never heard of anybody in the family by the name of  
Anna Pruitt? A No, sir, that was away back in the old country;  
I have heard talk about it, old Dr. Baker talked about it.

Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't  
remember seeing her but once, she died when I was small, died in  
Texas.

Q Pollie Dawson? A Yes, sir.

Q And she was known to be Pollie Rogers, her maiden name? A Yes,  
sir.

Q Daughter of Captain John Rogers? A Yes, sir.

Q Now, she died in Texas what time? A I don't remember.

Q Can't you guess at it? A Oh, I could guess.

Q Give your best recollection? A About '58 or '59, or no, '46  
or '48; I don't say positive, just guessing at it.

Q How old a boy were you then? A I was born in '42.

Q Have you any distinct recollection of her? A No, sir.

Q Have you any recollection of all the children of Sam and Pollie  
Dawson; that is, your father, uncles and Aunts? I didn't see all  
of them.

Q Do you know by family history the names of all of them? A Yes,  
sir.

Q Will you give them to me?

A Betsey Ann Dawson, I believe her name was.

Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.

Q Your father? A Yes, sir.

Q Next one? A I think the next was James Dawson, and I think the  
next one was a girl, Edna Dawson.

Q Did he have two daughters? A Yes, sir.

Q Well sir? A The next one was Joe Dawson; I never saw him; Riley  
Dawson.



- Q What is Samuel I. Dawson, Riley Dawson? A Yes, sir.  
Q Any other names? A That is all I know anything about.  
Q Did he have any child by the name of John? A Yes, Jack.  
Q Didn't you see Jack misplaced with Joe? A No, it was Joe; I heard my father speak of him.  
Q How many have seven children? A I never see them all.  
Q How many of them did you ever see? A I see uncle Riley Dawson and John Dawson and Jack Dawson and Betsy Ann Petty; I don't think I see but one of Pa's sisters and brother, they went to Mississippi.  
Q How many of your family history says that the mother of your mother, Pottie Foster's name was? A We have no history.  
Q How many of them is brought down to you; did you ever see anybody else?  
Q What your great grandmother's name was? A No, I don't remember.  
Q What about another man, Oliver Miller that testified in your case?  
A He testified in James Dawson's case; he never testified in my case.  
Q Well, didn't anybody testify in your case but Dr. Baker?  
A Yes, sir, several other witnesses.  
Q Who were they? A I don't remember; my mother and then father and grandma Samsel oh, old people.  
Q How many of them? A No, sir.  
Q You were only present when Dr. Baker testified? A Yes, sir.  
Q Now, do you find any mistakes in Dr. Baker's statement there?  
A I could not say all of them was correct or not, part of it is correct.  
Q What part is correct? A My about knowing the family over there.  
Q Who is Buck Dawson? A My brother.  
Q What is his name? A He always called Mr. Buck, it is Albert, Dawson.  
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.  
Q The first time? A I met my brother in Texas.  
Q Which one? A E. Dawson.  
Q What is Albert or Buck? A Yes, sir.  
Q You were living in Arkansas? A Yes, sir.  
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.  
Q Dr. Dawson now? A Yes, sir.  
Q What is his name? A James.  
Q And you three men, the other? A Yes, sir.

Mr. McKenyon: Applicants by their counsel object to all the statement of the witnesses relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HUTCHINGS:

Q Who was your name? A G. E. Taylor.

Q Where do you reside, Mr. Taylor? A In near Coffeyville.

Q Were you an attorney before various citizenship Courts along in the State of Oklahoma the Cherokee Nation at Tahlequah? A Yes, sir.

Q Was your attorney for E. L. Dawson commonly known as Bud Dawson? A Yes, sir.

Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.

Q Do you know who composed the court that decided the case at that time? A Yes, sir.

Q Who were they? A Tom Tehee and Alex Wolfe and Tony Thompson.

Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.

Q Which two? A Tehee and Wolfe.

Q Who was the clerk of the Court at that time? A Mr. Duncan, D. A. C. Duncan.

Q Do you know what witnesses were used in the case of Bud Dawson? A No, sir; no; I was the attorney in the case and the evidence had already been filed before the Court.

Q When did you take it on? A I was only called in as an attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.

Q Did you read the evidence in his case? A No, sir.

Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.

Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to give it to one or member of the Court or the Clerk of the Court, D. A. C. Duncan, and if so state the amount? A I had a great deal of trouble over this matter.

Commissioner: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commissioner: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.

Mr. Taylor, do you object to answering that question? A Yes, sir.

Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.

Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Comm'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters that arise through this Commission. Of course the Commission desires and the Government needs for the making of a correct roll the fullest information possible, but it is subject to the limitations of law, and it is not for this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, and to report the matter to the United States Court and let the Court pass judgment.

Under Section 21 of the Cirtis law as it is commonly called Act of June 231898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and read for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to take rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.

Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any of the judges of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.

Q Now, I require that you answer that question, do you refuse?  
A Yes, sir.

Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:

Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 13, 1903.)

Exh. - C. D. #124.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRENCH H. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:

Mr. A. S. McKennon, of Counsel for applicants.  
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows  
as part of the Cherokee Nation:  
BY MR. HUTCHINGS:

- Q State your name? A Samuel H. Benge.  
Q Where do you reside? A Fort Gibson.  
Q How old are you? A I am 72 years old, born in 71.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee  
by blood.  
Q State what official position you have held in the Cherokee Nation  
and set your general connection with the Nation officially in the  
last 40 years? A Well, I had several; I have been Sheriff,  
Councilman, Senator, Delegate to Washington; had a hand in making  
the treaty of 1868, I am the only one living that signed that treaty;  
President of the National Council of different tribes of Indians.  
Q Were you acquainted with F. H. Dawson, commonly called Bud  
Dawson? A Yes, sir; I know him.  
Q State your connection with and what you know about his citizenship  
case before what is known as the Thomas Tehee Citizenship Court?  
A Mr. Dawson came down, I was living down below here, he come and  
employed me to tend to his case and we went to Tahlequah, I believe  
if I ain't mistaken in 1881 and filed his case there; we went  
several times and continued his case on for the want of evidence,  
and finally while we was up there we run across one old darkey by  
the name of Tosh Rogers; we got his testimony and after we got  
that testimony we concluded that it was sufficient to go into the  
trial with. Tosh lived here at Fort Gibson, he was a horse trainer  
down here and stayed here; he claimed that he know the Rogers and  
belonged to one of them and after what we thought we had sufficient  
evidence we submitted our case to the court for trial, and the court  
went to work and rendered a decision against Mr. Dawson.  
I told Mr. Dawson right there that "our case is dough", just made  
that remark, and he just made the remark "never mind", and next  
morning they taken up his case again and they rendered a decision in  
his favor. I filed no motion nor any evidence at all whatever; I  
give the case up right there and the decision was then given in his  
favor, and on our way back from Tahlequah, why we got to talking  
about the case and I told him: "it was a pretty hard blow when they  
rendered that decision against us." He said: "yes, but Duncan was  
the man to reach", but he reached his with five hundred dollars.  
Q What position did Duncan occupy? A He was Clerk of the Court.  
Q Duncan an educated man or-? Yes, sir; he was an educated man.  
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and  
Tom Thompson.  
Q How many of those could speak English at all? A One.  
Q Which one? A Thompson.  
Q Who was the Attorney that represented the Nation in those cases?  
A Why Sankers.

Q At what time did you see Mr. A. Wilson Sanders? A Wilson Sanders?  
A Wilson Sanders.

Q Was he an educated man, or could speak English well? A No, sir.

Q How did you know anything about the officers having cost him a  
part of the money? A He said it had cost him a part of it.

Q How did you hear of it on the way back about the opening up of the  
case, I mean, sir? A He asked me if I thought the case was  
worth anything eventually and I told him I didn't know.

Q Now, Mr. Starr:

Q Did you ever act as a witness in the Dawson case, Judge, in any of  
your previous obligations? A I have been made since that time? A I  
don't know that you might call it a witness; that you may have come to  
be made a witness, and asked me to help him up there that the  
case was going against him, but my father said all was about  
nothing and I interrupted and went home. I could there be a  
witness. I was not a witness but I was not a witness for him.

Q That was Mr. Sanders, wasn't it? A Yes, sir.

Q How many conversations with Mr. Sanders since that time do you  
remember, I mean, I don't recollect, I might have had conversations  
with him.

Q Well, after the Dawsons' case began taking a census of the  
people and when they were about Sallisaw down here, did you have  
conversation with him here in Fort Gibson about the matter?

Q Now, I just can't tell you; I have seen him on several occasions,  
but the conversations we might have had I can't state.

Q To refresh your memory I will ask you if he did not tell you  
that they were making a fight on the Dawson family and he wanted to  
know if you whether that judgment in favor of Robert Dawson's family  
was fairly rendered, and did you not then tell him that it was all  
right, that it was fairly obtained? A Not as I recollect of; all  
he said; that is as I have stated he talked to me in regard to  
his father, himself and probably his brothers and sisters, I don't  
recollect how many there were, but he told me they were rejected,  
that is just the words he used.

Q Where? A It has been sometime ago.

Q Here in Fort Gibson? A Well, that is I saw him here in Fort  
Gibson, and on I saw him in Tahlequah.

Q Well, did you here in Fort Gibson ask you particularly about the  
Robert Dawson judgment, as to whether it was fairly obtained or not?

A No, sir; he was basing his claim on the Dawson case, that is the  
way he-

Q What is the principal Dawson family? A Yes.

Q When was this other written statement here made, when was this  
made by you? (referring to affidavit heretofore referred to.)

A Yesterday I reckon.

Q Who came to take this? A Mr. Starr.

Q Who else was present when this was taken? A No, sir.

Q How had you told about this matter, Judge? A No one as I know  
of.

Q Do you know how it was that they knew that you know this?

A No, sir.

Q You never made any statement? A Never made any statement that  
I recollect of except I might have talked with Scates, he and him

talked about these cases a good many times; if I ever made a state-  
ment it was to Joe Ab Scates.

Q How did Mr. Starr know? A I could not tell you how Mr. Starr  
knew.



- Q How did you come along here on a military public? A He came alone here on a military public. All he said when he came, he says "we understand you know something in regard to these cases", I said "what?" and he went to work and named Shoemaker case and Dawson case. Q How did you make this statement? A He said he wanted to talk to me.
- Q You certain Judge that after the rendition of that judgment you came back here to Fort Gibson with you?
- A Yes, sir, we was together.
- Q Did he call you if it was not a very cold day when he came here and you went over ahead of you and you went over to Tahlequah the day after the other he left? A My recollection was he and I returned here together? A Yes, sir.
- Q Did he not leave you there and go back direct to Arkansas?
- A No, sir, we came here together. If my memory serves me right, it might be mistaken but then I don't believe I am, he came from Rogers Falls up here to my house, that is according to his statement.
- Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid is.
- Q How did they pay you? A Paid me the money.
- Q Who paid it to you? A Dawson there and that fellow, young Bellor paid me some.
- Q Mr. Graham? A Yes.
- Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
- Q I will ask you if Mr. F. E. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, I never got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Q Did you paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.
- Q Where did he pay you the money? A Paid it here at home.
- Q Before you went out? A He paid me fifty dollars before we went down and when we went up yonder he paid me fifty dollars more; I don't want to know what I got, I got one hundred dollars.
- Q Was he acting as his attorney in the case? A Yes, sir.
- Q How many judges were there present when the judgment was rendered in his case?
- A Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Q Who and Wolfe.
- Q Don't you remember that they were all present? A No, I think they were present though.
- Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
- Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
- Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
- Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
- Q How long did you remain out at Tahlequah on that trip?
- A I guess I was there about three days.

Q Working to this case alone, did you have other cases? A No, sir.

Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham Present)

A I don't know whether the judges received nay or not.

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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 had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.  
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.

Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.

Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.

Q Did you see him again that night? A Yes, sir; after supper I went down to his room.

Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.

Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.

Q You carried Dawson to him? A Yes, sir.

- Q Did you remain during the conversation? A Only a minute.
- Q What was said if naything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
- Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
- Q Did you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together yourself? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
- Q The next morning? A Yes, sir.
- Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q Did he call up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
- Q Could they speak english at all? A Tehee could talk a little, talk some.
- Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. ~~The parties would go out and they would determine the case.~~
- Q Well, did they go out i to that sort of executive session the next morning on the Dawson case? A Well, he went out when the case was submitted.
- Q And was the decision rendered that morning in their favor?
- A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
- Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
- Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
- Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it,
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Just submitted it on the testimony? A Yes, sir.
- MR. McKENNON:**
- Q Are you a dtizen of the Cherokee Nation? A Yes, sir.
- Q Were you born and reared in the Cherokee Nation? A No, sir; I was bo n in the old Nation.

- Q When did you come to the Cherokee Nation? A Come here in 1855.
- Q How long have you been practicing law in the Cherokee Nation?
- A I think since '68.
- Q You have done a great deal of citizenship business haven't you?
- A Yes, sir.
- Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
- Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
- Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
- Q When was that? A I don't remember how long ago it has been.
- Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
- Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
- Q Sending out propositions and obtaining cases for citizenship for people of the Cherokee Nation? A No, sir, it was for answering correspondence.
- Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
- Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
- Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
- Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
- Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
- Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
- Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
- Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
- Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
- Q He had no power to compel you to make a statement? A No, sir.
- Q You could then make it very freely and your conscience isn't hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
- Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?

A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.

Q You thought you would not be compelled to answer?

A I didn't think the law would compel me to make a statement.

Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.

Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemaker both.

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.

Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you an one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.

Q If he would put up you would not testify? A That they could not force me to testify.

Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Sid Graham; "you people are on the doubtful list and if you will give me \$500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on?" A No, sir; I got a letter from Sid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.

Q You did not say to him then what I have embraced in that question there? A No, sir.

Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.

Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you send for him to come to the hotel? A In answer to his letter.



A Did you not see yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it?" No, sir; I says to Mr. Shoemaker, I says: "who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came so fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you could have been in jail? A No, sir; if they had employed me before and I had not now.

Q You mean that if they had employed you before had you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you know that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, he said he could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says "I made the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday."

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it would make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used?

A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

- Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
- Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
- Q You were present in Tahlequah? A Yes, sir.
- Q How long had you been at Tahlequah? A I was living there at that time.
- Q When were you first employed by them? A By Dawsons?
- Q Yes, sir. A The evening before the case was tried.
- Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.
- Q And told you to hand to Duncan? A No, sir.
- Q What was your statement? A That he paid me \$20 and says "I will send you some more in a short time, week or so.
- Q And then he sent you \$100? A Yes, sir.
- Q And wrote you to give D. W. C. Duncan \$50 of it? A Yes, sir.
- Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.
- Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.
- Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being \$50 or \$100--I went to Stapler's and got him to cash the check and give him his part of it.
- Q How much did they pay you for your services? A That is all I got.
- Q How much? A I think it was \$100, \$120.
- Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
- Q Submitted it without remarks? A Yes, sir.
- Q And for that you say they paid you \$120? A Yes, sir; \$120.
- Q Was Houston Benge present when that was done? A No, sir; I don't think he was.
- Q Did you see him then at that time in Tahlequah? A I don't remember.
- Q Were you associated with him in any manner in connection with the case? A No, sir.
- Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
- Q Were you paid like fees in other cases for like services? A Yes, sir.
- Q In many of them? A Yes, sir, good many.
- Q All like cases? A Oh, citizenship cases.
- Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Hallett can remember, he was there, he was my attorney.
- Q Was it about 1863? A It was somewhere along there, along in 1890 somewhere.
- Q That has been your principal business as a lawyer, has it not? A Yes, sir.
- Q You have never practiced much in any other way have you? A Very little.
- Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$50 a family for doing that? A Yes, sir.  
Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case? A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

**JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:**

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Afton.

Q How old are you? A 73 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of P. H. Dawson and the other Dawsons? A I know old man James Dawson.

Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.

Q How long have you known him? A Well, more four or five years.

I guess.

Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 10 or 12 years.

Q Well, when did he come to the country, do you know? A About about somewhere in eighty if I recollect right, might have been later than that.

Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

P. R. MCKENNON:

Q How old was he at that time, do you know? A I do not know exactly, just have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on behalf of the Cherokee Nation:

P. R. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 50.

Q Were you ever an applicant for citizenship before the Three Citizenship Court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Buck Dawson? A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharbow.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

A Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?

A Well, we were there on the same business and we talked about it at different times, and in talk about the evidence we had there

I, of course, told him how many witnesses I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he didn't come.

Q Well, what did he say about the doctor's looking anything?

A Well, he said he was 85 or 90 years old and didn't look straight up.

Q Well, did he say anything about giving him whisky?

A Well, he said he could give him four drinks of Arkansas whisky and he would swear that black was white.

- Q Now, he says something about money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money would make the sure go down in Texas and he said "I come to get the far of the land" and he says "I found out it got here," or words to that effect.
- Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
- Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
- Q Well, where did he go from there? A He and I left there together; we rode to Muskogee by way of Fort Gibson and there we parted.
- Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
- Q Where? A Vinita.
- Q Did you refer to the citizenship matter? A I asked him how he came out and he said all right.
- Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.
- I. H. McKEEENON:
- Q Your first conversation with him was in '01 was it? A Yes, sir.
- Q What time in '01? A September.
- Q You were then an applicant for citizenship? A Yes, sir.
- Q Were you admitted? A No, sir.
- Q You are still an applicant? A No, sir.
- Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
- Q What business are you in now? A I am running a dairy in Vinita.
- Q When did you make representations now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
- Q How did they ever know that you had had those conversations with Mr. Dawson? A I don't know.
- Q You don't know how they found that out? A No, sir.
- Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
- Q Now, did you approach him or did he approach you? A He approached me.
- Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
- Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
- Q Now, he said that didn't he? A Yes, sir.
- Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
- Q You say you next saw Dawson at Vinita? A Yes, sir.
- Q How long afterwards was that? A About two years, I think something near that.
- Q Did he move to the Territory? A Yes, sir; he lived at Vinita at one time.



- Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.
- Q Do you run a dairy wagon there? A No, sir.
- Q You serve on the jury a good deal? A I have been serving on the jury there this winter.
- Q Generally? No, sir.
- Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

- Q State your name? A C. G. Braught.
- Q What is your age? A 62 29th day of last January.
- Q What is your post office? A Fairland.
- Q How long have you been living in the neighborhood of Fairland? A Living there 19 years.
- Q Do you know one Bud Dawson or F. L. Dawson as his name is? A I do.
- Q How long have you known him? A About 10 years.
- Q How close do you live from him? A Half a mile of him.
- Q Does he still own that place? A I think he does.
- Q Were you an applicant for citizenship along about '01 or '2 or 3 perhaps? A Yes, sir.
- Q Did you have at any time a conversation with Bud Dawson about his citizenship cases? A Yes, sir.
- Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the way that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.
- Q Did he state the name of that witness? A No, he did not.
- Q Then did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
- Q Do you know what time of the year that was, whether it was in the summer or not? A I think it was in June.
- Q Did he make any other statements to you at any other time? A No, sir, I don't think he has in regards to that matter.
- Q You have been living neighbors with him? A Yes, sir.

MR. MCKENNON:

- Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
- Q You were an applicant; were you admitted? A No, sir.
- Q Have you been admitted? A No, sir.
- Q You are still an applicant? A Yes, sir.
- Q Still trying to get in? A Yes, sir.
- Q Where was this conversation had? A Had at Bud Dawson's house.
- Q What part of the premises? that is, in his residence? A Yes, sir.
- Q In the house? A Yes, sir.
- Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
- Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
- Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.  
Q He and you are enemies are you not? A No, I don't think we are enemies.  
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.  
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.  
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.  
Q And you say that you are not on bad terms with him? A Why we speak, have conversation, have right right along all the time.  
Q Is it not a fact now that you and he have been all the while at odds? A No, sir.  
Q You don't have any unkind feeling towards him? A No, sir.  
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 3:30 o'clock to-morrow morning.)

March 19, 1902.

Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of Counsel for Applicants.  
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. MCKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.  
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.  
Q What is your post office? A Dawson now.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.  
Q Recognized as such are you? A Yes, sir.  
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewhere between 44 and 45 years old.  
Q Were you personally acquainted with one Elbert or Buck Dawson? A I knew Buck Dawson when I saw him.  
Q Did you know him in the state of Texas, if so state what time? A I knew Buck Dawson, knew him and saw him at different dates in Texas.  
Q Well, in the year '81 in Clay County, Texas, did you ever see him? A It was in '81 or '82, I think I knew him in both years.  
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flippin and Joe Fleston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippin were talking in regard to grasping down there before us one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe in the way he spoke, "if I was an Indian I would not be punching cattle, I would have stook eating by grass."

Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.

Q Who was that? A Buck Dawson.

Q Well, did anybody suggest about his going to the Cherokee Nat on?

A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe in the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."

Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flipin says "Hell, I am going; brother John is getting ready to go now."

Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kemney," and I told him "Hookey Bell was a pretty the brainiest man in our country."

Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?

A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:

Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Rust County, Texas. B. F. Alberty was my guardian.

Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.

Q About what time? A It was sometime in '80 though.

Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.

Q When? A I think it was in '87 or '88.

Q Haven't you been arrested for crime and charged with crime?

A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.

Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.

MR. HASTINGS, of Council for Cherokee Nation:

Q Were you ever convicted? A No, sir.

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BARBART, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name, please? A Thomas B. Barbart.

Q What is your post office? A Melvin.

Q What is your age? A 49.

Q Are you a Cherokee by blood? A Yes, sir.

- Q Did you know one James Dawson? A Well, yes; I did; I have seen him five or six.
- Q Were you in Tahlequah about the time he had an application before the Spears or Snake Paddy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
- Q Did you know Aaron Butler? A Yes, sir.
- Q Who was he? A He was a Cherokee Interpreter for the Court.
- Q Do you know James Smith? A Yes, sir.
- Q Who was he? A He was the Nation's attorney before the Court.
- Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.
- Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
- Q Well, did he say anything about whether he could get his case submitted if he had some more? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
- Q Well, did you let him have the ten dollars? A Yes, sir.
- Q Where did they go then? A They walked off up towards town.
- Q Did they go together, those three? A Yes, sir.
- HI. McKEHNON:
- Q Was that James Dawson, the leading applicant in that case? A Yes, best of my recollection that was.
- Q How old was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
- Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
- Q Is he living or dead? A I don't know.
- Q Where have you been living? A I have been living down here near Tahlequah.
- Q What was the man's name, Dawson's name? A Jim Dawson I think.
- Q You are certain of that? A Yes, sir; I am pretty certain.
- Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
- Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
- Q When did you first make a statement of this matter to anybody? A I guess—I don't remember when.
- Q How long have you been in Muskogee this time? A I have been here since, I was sentenced here last Friday.
- Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
- Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.
- Q Were you born a citizen? A Yes, sir.
- Q You weren't admitted to citizenship by the courts or Council? A No, sir.
- Q You have been living in the Cherokee Nation all your life? A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKemion: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q That was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in y yo n; days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what?

A None but the Cherokees, the full-bloods called him Joe Aney.

Q What does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know;

he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.

Q The Dawson case was talked of here for many years, they claiming him?

A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKemion: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.



Q What relation are you to the Dawsons? A Well, I don't know anything with none of these Dawsons, I guess I am cousin, that is what he told me.

Q Who was your father? A Samuel Riley Dawson.

Q What did you say your father's name was? A Riley Dawson.

Q Do you know what his full name was? A Samuel Riley Dawson.

Q What children had your father? A Why, he had got, you hear his first children or his whole family?

Q I don't know all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.

Q Just one or two of them I care for; is Mrs. Lewis your sister?

A Yes, sir.

Q Your full sister? A Yes, sir.

Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.

Q How was she the parents of your father, Samuel Dawson?

A Why Sam Dawson was his father.

Q Sam Dawson was his father? A Yes, sir.

Q What was Sam Dawson's wife, if you know their family history,

what your father said or what your grandfather said? A I have

heard that at one was a Pruitt, my father said; of course I don't know.

Q What was her given name? A Annie.

Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.

Q Saw him? Yes, sir.

Q Do you know about how old he was when he died? A He was somewhere up about 90.

Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.

Q Was your father his youngest child? A Yes, sir.

Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.

Q He died in about '90 and was about 67 years old when he died?

A Yes, sir.

Q And he was the youngest child? A Yes, sir.

Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.

Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?

A Well, I heard my father speak about it, I don't know but I ever heard my grandmother say anything about it.

Q Well, what did he say about it? A I have heard him say his mother was not an Indian.

Q Did you father come here and apply once for citizenship?

A Yes, sir.

Q Was he admitted? A I think not.

Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights were and if his brothers had any rights he did, but I don't know.

Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

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I, J. G. Hosson, do hereby certify upon my solemn oath and  
steno-grapher 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 his steno-  
graphic notes thereof.

(Signed) J. G. Hosson.

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(Continue the testimony taken by Steno. J. G. Hosson.)

March 10th, 1907, Muskogee, I. T.

A. Counselors:

Mr. A. S. McKennon & Mr. Bellevue, attorneys for the  
applicants.  
Mr. W. T. Hutchings, Mr. J. C. Harrison, attorneys  
for the Cherokee Nation.

ELLA BRASHIERS, being first duly sworn, testified as follows:

BY MR. HUTCHINGS:

- Q. State your name? A. Ella Brashiers.  
Q. What was your maiden name? A. Ella Dawson.  
Q. What was your father's name? A. Samuel Riley Dawson.  
Q. What was his father's name? A. Samuel.  
Q. What was your grandmother's name? So far as you know from family  
history? A. Her maiden name was Annie Pruett.  
Q. Then your father, if I understand you, was the son of Samuel  
Dawson and Annie Dawson, nee Pruett? A. Yes, sir.  
Q. Did your father have a brother named Robert, and a brother named  
James? A. Yes, sir; that is all I was told.  
Q. Did he have a sister named Mrs. Petty? A. Yes, sir.  
Q. And another one named Mrs. McGee? A. Yes, sir.  
Q. And another brother named John? A. Yes, sir.  
Q. What relation are you to Mrs. A. S. Lewis? A. Sister.  
Q. Did you ever see your grandfather, Samuel Dawson? A. Yes, sir.  
Q. Do you have a distinct recollection of him? A. I, yes, I can  
remember him, but I'm small.  
Q. About how old were you when your grandfather died?  
A. About 6.  
Q. Was your father's birth recorded in the Family Bible? A. Yes, sir.  
Q. Did you know whether your grandfather's record of marriages and  
births were recorded in any Bible or not? A. I was, but we haven't  
it.  
Q. What became of it? A. Got burned.  
Q. Well, about what year do you remember that your father, Samuel  
Dawson, was born? A. I believe it was '23.  
Q. In 1823? A. Yes, sir.  
Q. And how old was he when he died, if you recollect? A. He was  
between 64 and 70.  
Q. Did you ever hear your father speak of his relations, his father  
and mother, as to whether they were white people or Indians?  
A. Yes, sir, they were white people.

Q Now, whether in the family you grandfather was spoken of by name of Annie, always? A Yes, sir.

BY MR. McSHERRY: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALMA S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alma S. Lewis.

Q What is your post-office? A Dawson, Indian Territory.

Q How old are you? A 59 years.

Q How was your wife's maiden name? A Elizabeth Parale Dawson.

Q How was your wife's father and mother? A Her father was Samuel E. Dawson and her mother was the wife of Samuel E. Dawson, did you want her maiden name?

Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well, she was called Margaret, Margaret Queen was her maiden name.

Q The maiden name of your wife's father's mother? A Why the maiden name of my wife's father's mother?

Q Yes, sir? A From her father-in-law and my father-in-law told me it was Annie Pruett.

Q What is the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.

Q And his wife's maiden name was Annie Pruett? A Yes, sir.

Q Did you know that gentleman, Samuel Dawson, your wife's grandfather? A Yes, sir.

Q Personally? A Yes, sir.

Q What opportunities had you of becoming acquainted with him? A He liked his youngest son, my father-in-law, and visited me, my wife and I, after we were married, at intervals quite a while; I lived on my father-in-law and he visited very often.

Q How did he die? A '74.

Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.

Q And when was your first child born? A He was born December, '75.

Q You back how old your wife's father was when he died? A May be 60 or 61, but I don't remember his age.

Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.

Q How old was he at the time of his death? A He was 94.

Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.

Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his, - oldest child for his brother-in-law who was a particular favorite of his grandfather; named it for him I understood.

Q Now, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understood it was on account of his grandfather thinking, on account of Robert Pruett.

Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

Q: Didn't now here he was, or whether he is alive or not.  
A: Now, I want the children of Samuel Dawson and Annie Pruett, how  
many of them did you know, first? A: How many did I know personally?  
Q: Now, sir? A: John James, and Samuel R. Those were the only ones  
of their children that I remember personally.

Q: Well, remember what you know of the family, and other children  
you have? A: Well he had two girls, as I understand the family  
history, he had two girls, first, and John Dawson was the third  
child, and the oldest boy was John Dawson.

Q: Was John Dawson the oldest boy? A: Yes, sir.  
Q: Was she the oldest girl? That is she known by now? A: I think  
it was Mrs. Patty, not Bessie Dawson.

Q: And John Dawson was the oldest boy? A: Yes, sir.  
Q: And Samuel R. Dawson was the youngest boy? A: Yes, sir.

Q: Now, when anything about the time John Dawson was born, have you  
any recollection about it, the oldest boy? A: Yes, sir, I don't  
know the oldest boy and his life told me.

Q: How long did he live? A: They said he was born in 1811.

Q: How long did he live? A: Toliver H. Dawson told me his  
father was born in 1811.

Q: Now, do you remember no name of the old man, or of his wife, or  
of his wife, Annie Pruett, was an Indian or white woman, or  
did you know anything about it? A: I know that the old man said that  
she was, I don't know that I ever heard the question approached in  
any way, I have heard him speak as to her blood, but it was in a  
way that I don't remember.

Q: Now, did he say anything about the old man's wife, or  
of Mrs. Pruett, a white woman; and that her father was  
Captain John Rogers, a white man who lived with the Cherokee Indians,  
and married with them.

Q: Did he say who Captain John Rogers afterwards married? A: Said  
he had a wife in the Cherokee Nation.

Q: But that Annie Pruett was not her child? A: No, sir, she was  
the child of Mrs. Pruett.

Q: A white woman? A: Yes, sir, that was the half sister of Bob  
Pruett.

BY MR. MCKENNON:

Applicants object to all of the testimony of this  
witness, because it is wholly incompetent and irrelevant.  
Q: Now, ever you apply for citizenship here? A: Yes, sir; for my wife.  
Q: When? A: My sister-in-law made the application, I don't know  
exactly when it was, I think probably about '86, I couldn't say

Q: On the date.

Q: Before the Cherokee authorities? A: Yes, sir.

Q: Did he file an application before the Dawes Commission in 1896  
also? A: Sir.

Q: Yes, sir? A: I don't think he did, no sir.

Q: Did you? A: I did.

Q: On account of your wife? A: Yes, sir.

Q: Did you take affidavit to that application? A: No, sir.

Q: Who did? A: I don't know, don't remember now.

Q: You applied for your wife as an Indian by blood did you not?

A: Yes, sir.

Q: Are you still an applicant? A: No, sir.

Q: Is she? A: No, sir.

Q: She was denied was she? A: Yes, sir.

Q: Was there an appeal taken to that? A: Application was filed if  
I remember, before the Dawes Commission, and they rejected the case,  
and then I appealed it to the District Court, and it was rejected there  
and then I stopped.

- Q Have you ever been arrested for any crime? A Yes, sir.  
Q What? A Charge of murder.  
Q Anything else? A No, sir.  
Q How did you get on the train? A Yes, sir.  
Q How did you get on the train robbery? A Yes, sir, in a train robbery.  
Q How long did you remain in jail? A Appealed the case to the  
Court, and it was reversed and sent back, and I was  
with the rest of the crew.  
Q What all the crime you were ever charged with? A Yes, sir.  
Q Haven't you been having some trouble with the Dawson family?  
A Not personally I have no trouble with any of them, there is  
one or two boys and one of W. A. Dawson's sons-in-law had some trouble.  
Q You are not friendly with the Dawson family? A That son-in-law  
Mr. Wooley, and myself, don't speak, and I don't think his wife  
wants to be with it.  
Q Well you are claiming some sort of lease on the Wooley farm,  
aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, born, first day of month, being examined,  
testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A B. W. Alberty.  
Q What is your post-office? A Tahlequah.  
Q What is your present official position in the Cherokee Nation?  
A Assistant Executive Secretary of the Cherokee Nation.  
Q As much have you charge of the citizenship records and books  
etc. of the Nation? A Yes, sir.  
Q Have you made search recently for the original records in the  
various cases of the Dawson family before citizenship courts in  
Council? A Yes, sir.  
Q Have you got what records you found with you? A I find what's  
supposed to be the original papers in the case, all that I could  
find. (Produces papers and hands to Nation's attorney.)  
Q Where did you find these papers? A I found them in the desk  
in which papers of that character are filed away in the Executive  
Office at Tahlequah. (Applicant's attorneys examine papers produced  
by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an  
envelope marked No. 108, the names on the back of it are Robert,  
Albert, Jasper, John, Frances, Marion, Josephine, Joseph,  
Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee  
Nation: the envelope and its contents.

BY MR. MCKENNON: To the introduction of all of which the  
applicant's object, because it is wholly incompetent and  
irrelevant.

The envelope above introduced by the Cherokee Nation is  
indorsed as follows:

"No. 108, Rob. Dawson, Albert Dawson, Jasper Dawson, John  
Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane  
Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Rial Dawson,  
vs Cherokee Nation, Petition for Citizenship, filed Sept. 24,  
1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."  
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19th, 1882.





- Ques. 7 Which Harnage was it went to Texas?  
Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.  
Ques. 8 Did the claimant go to Texas?  
Ans. 8 No the claimant didn't go to Texas.  
Ques. 9 What connection was claimant and Polly Rogers?  
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.  
Ques. 10 Where does claimant now live?  
Ans. 10 He lives in Carroll County, Arkansas.  
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Cooweescoowee?  
Ans. 11 They claimed kin but what kin I don't know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.  
Ques. 12 Was Anna Pruet the maiden name of Claimant's grandrother  
Ans. 12 Yes that was her maiden name the Indians called her Sinec.  
his

(signed) Arthur. A. x Baker.  
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is endorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Teehee Court in 1883. A. Riley Dawson's Step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope N. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.  
(Hands papers referred to to applicant's attorneys.)

BY MR. MCKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:

"No. 181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept. 13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.

Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,  
No. 181. vs for his grand children,-  
Lulu Dauthett,  
Dallas Dauthett,

F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:

My name is F. M. Dawson. Am a Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I, \_\_\_\_\_, of the District and Dallas Dauthett in  
 Vinita, Oklahoma, do hereby certify that the grandchildren of my brother  
 E. Dawson, now deceased, are Cherokee by blood. L. M. Dauthett,  
 the father of the said Dauthett, Lulu and Dallas is a white man  
 Dauthett, and \_\_\_\_\_, Lulu and Dallas was a Cherokee,  
 the daughter of \_\_\_\_\_, \_\_\_\_\_, she is now dead. The old-  
 est of the said grandchildren is \_\_\_\_\_, 9 years old. I have known them  
 most of their lives and they are now living with their father.  
 I have known \_\_\_\_\_, \_\_\_\_\_, I had been acquainted  
 with \_\_\_\_\_, \_\_\_\_\_, she is now living she  
 is \_\_\_\_\_ years old. She has been dead about  
 4 years. \_\_\_\_\_, she was about 17 years old  
 when she was \_\_\_\_\_  
 his  
 (signed) F. M. x Dawson, "  
 mark

To the Commission on Citizenship,  
 Oklahoma Territory, Sept. 12, 1933.  
 Now comes \_\_\_\_\_ children  
 Lulu Dauthett,  
 Dallas Dauthett,

\_\_\_\_\_ son introduced for claimants, sworn in  
 open court \_\_\_\_\_  
 Joseph Dawson, a Cherokee live in the Cherokee Nation,  
 an 31 years old.

Lulu Dauthett and Dallas Dauthett, the claimants are  
 Cherokees. Tawnie Dawson was their mother. Fawnie Dawson was  
 a Cherokee, that is what I was always told. Her father was  
 E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not  
 living now: the last time I saw Lulu and Dallas Dauthett,  
 they were in Texas. But I have heard since that they are in  
 the Cherokee Nation. E. Dawson recognizes her as his grand-  
 children and I have known them ever since they were born.  
 My Solicitor

Lulu is about 11 years old. The Dallas is about 5 or 6  
 years old. I heard that their father is now at Vinita Cherokee  
 Nation, E. Dawson, \_\_\_\_\_ Dawson. The applicants' mother has  
 been dead about two or four years. She died at Hillsboro,  
 Texas.

I was not present when their mother and E. Dawson had  
 eight children to \_\_\_\_\_ of my recollection, or 9. Fawnie,  
 Francis, Cartenas, Marie, Bob, Smith, Worth, Bert, Ella. All  
 living but two, Fawnie and Smith. They are all living in Texas  
 when I left there. \_\_\_\_\_ brother to F. M. Dawson, we are  
 full brothers. \_\_\_\_\_ has been admitted to Cherokee  
 Citizenship by this Court.

his  
 (signed) Joseph x Dawson,  
 mark

To the Commission on Citizenship,  
 Oklahoma, C. N. Sept. 12, 1933.  
 L. Dawson for grandchildren,  
 Lulu Dauthett,  
 Dallas Dauthett,  
 vs  
 Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee  
 rights of his grandchildren, Lulu Dauthett & Dallas Dauthett,  
 by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokee by admission of your Hon. Court, at its last session in January, 1885, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(Signed) S. Dawson for grand children,  
By G. H. Taylor."

This last document is indorsed on back as follows:  
"No. 181, Petition of Lula, Douthett & Dallas Douthett, for Citizenship Filed Sept 14, 1885, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. MCKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,  
Tahlequah, C. N. August 11th, 1887.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Catoona,	
	2 Parleo Dawson,	44	female		
307	3 America J. Dawson,	58	"		
	4 Katharine J. Dawson,	53	"		
	5 J. G. Dawson,	51	male		Bell &
	6 Elias F. Dawson,	29	"	Applicant for	Bryant.
	7 Toliver Dawson,	27	"	Cherokee Nation.	
	8 Eva Dawson,	20	female		
	9 Fanny Dawson,	19	"		
	10 John Biley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancienter	
	12 Cleveland Dawson,	5		John Rogers	
	— filed August 11th, 1887."				

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilley Pruitt, and so be a half sister of Joseph Vann, commonly known as Rich and who was of Cherokee blood. It is admitted that John Rogers and Chilley Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 3th, 1866, creating the Commission on Citizenship, was made but in support of the a petition it is alleged that certain members of the Dawson family and full brothers of the applicant were permitted to citizenship by the Commission on Citizenship certainly both of

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of the Commission of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 22d, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant, nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Journah Barber nee Journah Dawson and Jane Sheen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,  
Chairman.

This April 26th, 1889.  
(signed) D. L. Williams,  
Clk. Com'n."

(signed) R. Bunch, Commissioner,  
John E. Gunter, Com'nr.

BY MR. HUTCHINGS: The Nation do introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1837, Locket 987, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission: Rejected 26 day of April 1889 Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al., ) Office Com. on Citizenship,  
(vs) ) Tahlequah, I. T. Sept. 27th, 1889.  
Cherokee Nation. )

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:



I am a citizen of the Cherokee Nation and reside in Coowescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Connell Rogers,  
Clk. Com. on Citizenship.

This document is indorsed on back as follows:  
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1897.

Locket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,		male		
2	William A. Dawson,				
3	Richard A. Dawson,				

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G. H. Taylor.

vs.

Applicant for  
Cherokee Citizenship,  
Census Rolls 1835  
Ancestor,  
Riley Dawson.

Cherokee Nation.

In red ink along age column are the words: "Rejected April 26, 1899."

"Adverse to Claimant.

See decision in this case in that of S. R. Dawson in Book (B) Page 20.

This April 26, 1899.

D. S. Williams,  
Clk Com.

Will P. Holls,  
Chairman.  
J. E. Carter, Clk.

BY MR. HUTCHINGS:

The petitioner desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as reported in the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. [Name] [Name] of which the applicants object, because it is immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1 Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Poll of 1852 - A. Moton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144. Testimony on Journal- Page - - Decision of Commission, heretofore 23 day of August 1889. Submitted by Mr. RANKIN, AUG. 26, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship: Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, and respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years. Postoffice, Emmett, Cho. Na. family with their relationships attached is as follows:

No	Name	Sex	Age	Relationship.

In witness whereof which application I hereto set my hand on this 4th day of October 1887.

(Signed) Rebecca Dawson,

Bouquins & Rankin,  
Attorneys "

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind, Ter.

Tenlogash, August 23th, 1889.

Rebecca Dawson)  
V. S.

Cherokee Nation.) The above case was called and submitted by

Passus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and are not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas - - I. T.

(signed) WILL. P. ROSS,  
Chairman,  
J. E. Gunter, Com."

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No	Names	Age	Sex	Post Office	Attorney.
1	Rebecca Dawson	48	female	Emmett,	I. T.

1017

Boudinot & R.  
Applicant for  
Cherokee Citizenship.

Census Rolls, 1835,  
to 1852.

Ancestor,  
Moton.

V. S.  
Cherokee Nation.

Office Commission Citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Passus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to citizenship in the Cherokee Nation.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 193, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145, - said judgment being rendered August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same are immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"193, 2, Hale, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the - day of - 18- Docket 1018, Book C Page 145, Testimony on Journal - Page- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Passus, Aug. 28, 1889."

**"APPLICATION FOR CITIZENSHIP"**

**Application for Citizenship:**  
 Gentlemen:- The undersigned, your petitioner, this day takes this application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1898, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:  
 That Mary Dawson is the Grand Daughter of one Moton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereto presents the above facts as the legal grounds of this her application for Cherokee Citizenship by blood, and respectfully avails the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Pontotico, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	13	Son.

In witness of which application I hereto set my hand on this 4 day of October 1897.

Mary Dawson,

Rowdinot & Rowntree,  
 Attorneys.

**COMMISSION CITIZENSHIP,  
 Cherokee Nation, Ind. Ter.,  
 Tahlequah, August 23th, 1899.**

Mary Dawson,  
 vs  
 The Cherokee Nation } Application for Cherokee  
 citizenship.

The above named cases having been submitted by W. F. Rowntree, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 13 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

W. F. Rowntree,  
 Chairman  
 J. B. Carter, Secy.

Said envelope also contains the following:

**APPLICATION FOR CITIZENSHIP**  
**TO THE HONORABLE COMMISSION ON CITIZENSHIP:** Gentlemen:- The undersigned, your petitioner, this day takes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an Act of the National Council, approved December 8th, 1898, creating your Commission. And, respectfully makes the following statement of the grounds of this her application, to-wit:  
 That Mary Dawson is the Grand Daughter of one Moton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken in the year 1835, the undersigned hereto presents the above facts as the legal grounds of this her application for Cherokee Citizenship by blood, and respectfully avails the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

in accordance with the aforesaid law.  
Age -- years; Post-office ---; family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
William A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,  
C. H. Taylor, Attorney."

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	Female	Bowie, Texas.	
2	Walter Dawson,	18	Male		

Boudinot & R.  
Applicant for  
Cherokee Citizenship.

Census Rolls 1835 to 1852  
Ancestor

vs.  
Cherokee Nation.

Office Commission on Citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug 28th, 1889.

The above case having been submitted by W. P. Parsons, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. M. Guntz, Com."

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 50, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the commission; the judgment is dated April 25th, 1888.



BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, -- 1835, Poll of 1835, Ancestor, -- Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal -- Page, Decision of Commission, REjected, 26 day of April, 1889. REjected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,

January 27, 1887.

Age

Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	Female
William H. Dawson,	11	"	Male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	Female.

V.S.

Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson all others of the same name admitted to Citizenship by the Tom Terry Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) Nevada, Mo.

A. J. Dawson & five children,

by C. H. Taylor,

Attorney."

The judgment just introduced and filed on page 33 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,

Office Commission Citizenship,

Tahlequah, C. N., Feby 11, 1887.

Docket No	Name	Age	Sex	
	Family			
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
2	E. E. Dawson,	16	"	"
37	3 Olive M. Dawson,	14	Female	
4	William H. Dawson,	11	Male	Applicants for
5	Jessie K. Dawson,	9	"	Cherokee Citizenship.
6	Glennie D. Dawson,	8	Female	C. H. Taylor.
				Rolls 1835,

Rejected April 26, 1889, (red ink.)

V.S.

Cherokee Nation.

Filed Feby 11, 1887.

Ancestors,

Adverse.

See decision in this case in that of L. R. Dawson,  
Book P.20.  
rendered April 26- 1829.

D. S. Williams,  
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records  
in the case of this same Andrew J. Dawson, before the  
Commission to the Five Civilized Tribes, filed September 7th,  
1896, and the judgment of the Commission thereon. Number of  
said case being 4,694. And the judgment of said case on Page  
294, Book B., Dawes Commission Record, 1896. Judgment was  
rendered November 17th, 1896, denying the application.

BY MR. MCKENNON: To all of which the applicants object, because  
the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before  
Dawes Commission, 1896, in Andrew J. Dawson, et al., are as  
follows:

Registry Receipt,  
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter.,  
Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed  
to S. H. Hayes, Tahlequah, I. T., (signed) D. A. Frayser,  
L.-P. H.

"Commission to the Five Civilized Tribes,  
Vinita, Ind. Ter., Sept. 7, 1896.  
So that you swear to your petition.

Evidence of service of copies of Chief or Governor  
may be secured as follows: If convenient get his receipt to  
file with your papers. If you cannot do this, register to him,  
and have some interested person to make an affidavit in form  
about as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day  
of September, 1896, I saw a package registered at the Post  
office at Vinita, Indian Territory, addressed to Hon. S. H.  
Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that  
registry receipt no. 409, received from postmaster, hereto  
attached, is a receipt for said package, which contained true  
copies of the application of Andrew J. Dawson, and of the  
affidavits of E. Dawson and F. H. Dawson in support of same.  
(signed) S. H. Davidson.

Subscribed and sworn to before me, on this 7th day of September,  
1896.  
(seal)

(signed) W. J. Korneger,

Notary Public, First Judicial Division,  
of the Indian Territory.

Attach receipt to this affidavit and send it to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, so be understood that packages are not promptly accepted for by the Chief of Governors.

X X X  
For the Commission."

APPLICATION FOR ENROLLMENT.

By the Honorable Henry D. Daves, Frank C. Anderson, George W. McKennon, Thomas B. Cahani and Alexander S. Langford, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine the application of the Cherokee Nation:

William H. T. Dawson, your petitioner, is now J. Dawson. (Line in the name through these names) is made on behalf of Lonnie E. Dawson, Olive Marie Dawson, William K. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the various rolls of Cherokee Indians and of those entitled to share in the distribution of the lands and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1820 & also the same as submitted to your Honorable Commission for a full and complete investigation, and is found correct as stated, to be granted the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,  
Andrew J. Dawson,

Involvement of Family, and relationship attached, as follows:		Relationship.
Names.	Age.	
Lonnie E. Dawson,	25	Daughter,
Olive Marie Dawson,	27	daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	13	son.
Glen Dale Dawson,	10	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	18	Nephew.
Maggie E. Dawson,	2	Niece.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Niece.

IN WITNESS WHEREOF, I hereunto set my hand this Third day September 1896.

(signed) Andrew J. Dawson.

back to back: Fol. 103:

United States of America,  
Indian Territory,  
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn on oath that he knows the facts set forth in the above Affidavit of Election and that the same are true as he truly believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this the 3rd day of September 1896.

(signed) J. A. Tillotson,  
Notary Public.

(Seal)  
My Commission expires June 3" 1899.

Indian Territory, )  
Northern Judicial Dis- (SS.  
District

Andrew J. Dawson, of lawful age, being by the first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Mississippi river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers were his grandfather and grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 67, an act of Nov. 17" 1843, page 26. also an act of Nov. 20 1843 page 204.

Affidavit further says that he is a blood relation of Andrew Dawson, J. M. Dawson, Joseph Dawson, and John Dawson. He was admitted to citizenship by the Cherokee Nation and his name appears upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3" day of September A. D. 1896.

(signed) J. A. Tillotson,  
Notary Public.

(Seal)  
My Commission expires June 3" 1899."

Indian Territory, )  
Judicial Dist. ) S.S.  
)

F. M. Dawson, of lawful age, being by the first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin by name, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

his  
(signed) F. L. x Dawson  
mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp  
Notary Public. (Seal)"

"Ind Ter  
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Parricklaw,  
Notary Public,

My commission expires June 2, 1898.

(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation filed Sept 7-1896 A. S. McKennon, Com'r."

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabanis, A. B. Montgomery, Commissioners. In the matter of the application of Andrew J. Dawson, Nation's No..... Commission's No..... for citizenship in the Cherokee Nation.

Your respondent, S. H. Myyes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

- 1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.
- 2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, . . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.



See Cherokee Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Hayes, Principal Chief Cherokee Nation,

B. Hutchings, Hastings & Boudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this 5<sup>th</sup> day of Oct 1896.

(signed) D. J. Ball,  
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.  
John L. Adair's No. 4694, In re application of Andrew J. Dawson,  
DISTRICT ATTORNEY, filed Oct 21 H. M. Jacey, Sec."

The foregoing documents, comprising the 1896 papers  
as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee,  
9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in  
the case of Joanna Barber, et als., No. 1864, the United States  
Court number being 90, and the Nation desires to call especial  
attention to the testimony of W. C. Rogers and Sarah Carter  
as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because  
it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof herewith  
with filed.

#### APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald  
S. McKennon, Thomas B. Cabanias and Alexander B. Montgomery,  
United States Commissioners authorized by an act of Congress  
of June 4, 1896, to hear and determine claims for citizenship  
in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joannah Barber,  
for and on behalf of himself and heirs, this day makes this  
their application to you for the purpose of being placed on the  
revised roll of Cherokee Indians and of those entitled to

share in the distribution of lands and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, W. A. Dawson & F. H. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,  
(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

Names	Age	Relationship
Joannah Barber,	60	Daughter of Elizabeth or Peter
Isaac J. " Husband	25	Petty, ne Dawson, ne Petty
Chris E. "	26	daughter of Polly Dawson, ne
" P. "	24	Rogers who was a daughter of
James E. "	18	Capt Jno Rogers and Abby Rogers
Johnny "	6	nee Vann a Cherokee Indian by
Joel A. Barber	20	blood as is shown by proof here-
		with file.

In witness of which I have set my hand on this 6 day of August 1896.

(signed) Joannah Barber."

Indorsed as follows: "Pd 2.50 No. .... Petition of Joannah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, would state and show from the proof submitted to the Commission that she is Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My father's name was John Petty. My mother's name was Elizabeth Petty, ne Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature Joannah Barber.

INDIAN TERRITORY, }  
FIRST JUDICIAL DISTRICT } SS

Now on this 6 day of Aug personally appeared before me J. J. Watts a Notary Public in and for the Territory, Joannah Barber, who being duly sworn upon this oath states that the facts set forth in the foregoing petition are correct and true.

subscribed and sworn to before me this 10 day of August 1896.

(signed) F. J. Watts,  
Notary Public.

(Seal)"

\*(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty  
to Cherokee Indian citizenship in the Cherokee Nation, Indian  
Territory.

Affidavit of S. R. Dawson.

Delaware District,  
Cherokee Nation,  
First Judicial Division,  
U.S. Court, Indian Territory. } SS

S. R. Dawson, to me well known to be reliable  
and respectable, after being duly sworn according to law  
states on oath, that he is a bona-fide citizen of the Cherokee  
Nation by blood- that he is a resident of said Nation- that  
his post-office address is Afton, I. T.; that he is fifty-one  
years of age- that he is well acquainted with the claimant  
Joannah Barber and has as long as he has known any person- that  
she is of Cherokee Indian descent- that her maiden name was  
Joannah Petty- that she was the daughter of one Elizabeth Petty,  
a person of Cherokee Indian descent- that Elizabeth Petty's  
maiden name was Elizabeth Dawson- that said Elizabeth Dawson  
was the daughter of Polly Rogers, a person of Cherokee Indian  
descent, who intermarried with Samuel Dawson, a white man- that  
he said Polly Rogers was the daughter of Captain John Rogers  
and Ailsay Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the  
result of this application.

(Impress of (signed) S. R. Dawson.

National Seal)

Subscribed & Sworn to before July 6 1896

(signed) W. B. Hubbard,  
Notary Public."

United States of America,  
Indian Territory, (ss  
First Judicial Division.

I, William F. Rasmus, a Notary Public within  
and for the Judicial Division aforementioned, do hereby certify  
that the next above in the within one page of an affidavit  
is a true and literal copy of the original as presented to me  
at Talequah, Ind. Terr., this the Third day of July A.D. 1896.

(signed) William F. Rasmus,  
Notary Public, First Judicial Division, Indian Territory.  
(Seal) My Commission expires Feby 3, 1897."

(A COPY)

In the matter of the claim of Joannah Barber (nee Joannah Petty)

... in the Cherokee Nation,  
Ind. Ter.

A. Affidavit of E. Dawson,  
Clerk, Western District,  
Cherokee Nation,  
First Judicial Division, (ss  
Court, Ind. Ter.)

E. Dawson, to me well known to be reliable  
and responsible after being duly sworn according to law at-  
test that he is a Bonified citizen of the Cherokee Nation  
by blood- that he is a resident in said Nation that his post  
office address is Tahala, Ind Ter.-that he is 58 years of age-  
that he is well acquainted with the claimant Joshua Barber and  
that he has known as long as he can remember any person- that the  
mother of Cherokee Indian descent the her maiden name was  
Joanna Petty- that she was the daughter of one Elizabeth  
Petty, a person of Cherokee Indian descent- that Elizabeth  
Petty's maiden name was Elizabeth Dawson- that said Elizabeth  
Dawson was the daughter of one Polly Rogers a white  
woman- that the said Polly Rogers was the daughter of Captain  
John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the  
result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this 24th day of Februy 1893

(signed) A. E. Williams,  
Notary Public.

(Imprint of  
National Seal  
here.)

Cor. Expt. sept. 28/96.

United States of America,  
Indian Territory, SS  
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the  
First Judicial Division, Indian Territory, do hereby certify  
that the next above and the within one page of an affidavit  
is a true and literal copy of the original presented to me at  
Tahlequah, Ind Ter. this the third day of July A.D. 1893.

(signed) Wm. F. Rasmus.

(Seal) Notary Public, first judicial Division; Indian Ter i-  
tory, My Commission expires Februy 3, 1897.)

United States of America,  
Western District of Ark. ss.

In the case of one Joshua Barber claimant for citizenship  
in the Cherokee Nation, Indian Territory, as a Cherokee Indian  
by blood, before Cherokee Indian authority at Tahlequah,  
Cherokee Nation, Indian Territory,

Personally came this day before me William F. Rasmus, a  
Commissioner U. S. Court within and for the District aforesaid  
and duly authorized to administer with W. A. Dawson, to me person-  
ally well known to be reputable and entitled to credit, and  
who being by me first duly sworn according to law, deposed and

and says: My name is F. A. Dawson, my age is 58; my last by  
post-office address is Tulsa, Ind. Terr. I am a farmer by occupa-  
tion, I am a citizen of the Cherokee Nation, I. T. by virtue  
of Cherokee Indian blood.

And affiant declares in relation to the above named case  
as follows, to-wit: That he is personally well acquainted  
with the claimant, Joannah Barber - whose mother's name  
was Elizabeth (commonly called "Betty") Petty, nee  
Elizabeth Dawson, - a Cherokee Indian by blood, and she was  
the mother of the father, James Dawson, Dec'd, a recognized  
and acknowledged Cherokee Indian by blood - and she is the  
sister of Robert Dawson Dec'd a recognized and acknowledged  
Cherokee Indian by blood - said Robert Dawson having, as the  
said brother to said James Dawson - that therefore the said  
claimant, Joannah Barber is his (affiant's) first cousin by  
blood - full blood and that he so recognized and acknowledged  
it.

(signed) F. A. Dawson.

Subscribed and sworn to before me at Tableland, Ind. Terr.  
this 17th day of November A.D. 1893.

(signed) W. F. Kasus,  
United States Commissioner.

(seal)

UNITED STATES OF AMERICA. )  
Western District of Arkansas. )s

In the case of Joannah Barber plaintiff for citizenship  
in the Cherokee Nation, Indian Territory, vs. Cherokee Indian  
by blood, before Cherokee Indian authorities at Tableland,  
Cherokee Nation, Indian Territory.

Personally called this day before me William F. Kasus,  
a Commissioner of the U. S. List Court within and for the  
District of Arkansas duly authorized to administer oaths Francis  
M. Dawson, to be read personally well known to be reputable  
and entitled to - - and who - - duly sworn according to law  
deposes and says: My name is Francis M. Dawson by age is about  
57 years, my post-office address is Afton, Ind. Terr, I am a  
farmer by occupation, I am a citizen of the  
Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named  
case as follows, to-wit: I am personally well acquainted with  
the claimant Joannah Barber, whose mother's name was Elizabeth  
(commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee  
Indian by blood, said Elizabeth Petty was a full sister of  
my father Robert Dawson Dec'd, a Cherokee Indian by blood -  
and I acknowledge the relationship by Cherokee Indian blood of  
Joannah Barber to me as first cousin - and I know that the said  
Joannah Barber therefore is of Cherokee Indian blood.

(signed) F. A. Dawson.

Subscribed and sworn to before me at Tableland, Ind. Terr -  
this 17th day of November A.D. 1893.

(signed) W. F. Kasus,  
United States Commissioner.

(seal)

Indorsed on back as follows: "No. 1 filed Feb 24 1897,  
Jas. A. Winston, Clerk."



"Page 2, Locket "B"

Joannah Barber.

Office Commission on Citizenship,

Tableman, C. N. August, 1887.

Locket. No. Names. Age. Sex. Post Office. Atty.

1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Emma Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	17	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	20	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		

V.S.

Filed Aug. 12, 1887.

John Rogers &  
Alcy Pruett

See decision this case in that of L. E. Dawson, adverse to claimant in this Book page 20. This April 20th, 1889.

D. S. Williams,  
Clark com.

Will. P. Ross, Chairman,  
J. E. Genter, Com."

"S. E. Dawson.

Office Commission on Citizenship,

Tableman, C. N. Aug. 11th, 1887.

Locket. No. Names. Age. Sex. Post Office. Atty.

1	S. E. Dawson,	66		Catoosa, I. T.	
2	Parle; Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J. "	35	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Emma Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male	R	
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	

Filed Aug. 11, 1887.

John Rogers

Rejected April 26, 1889.

Now this day comes the above case for final hearing. Samuel E. Dawson bases his application for re-admission to Citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the alleged daughter of Captain John Rogers, and Chelsey Pruett said to be half sister of Joseph Vann general known as such and who were of Cherokee blood. It is admitted that John Rogers

... of the Act of December 22, 1886, creating the Commission...  
 ... certain errors of the Dawson family the...  
 ... applicant... to citizenship...  
 ... known as the "Tehee...  
 ... citizens in...  
 ... which determined the decision...  
 ... introduced to author...  
 ... applicant is not relevant...  
 ... section of the Act of...  
 ... provided that the Commission...  
 ... citizenship in the Cherokee...  
 ... must be a person, ...  
 ... the name of the person...  
 ... the name of the person...  
 ... and degree that...  
 ... Cherokee...  
 ... James...  
 ... and James...  
 ... as enumerated in...  
 ...

W. P. ...  
 J. Hunch, ...  
 John E. ...

This April 26th, 1890,  
 E. J. Williams, Clerk Com."

United States of America, )  
 Indian Territory, ) ss.  
 Northern District. )

W. C. Rogers being duly sworn on oath... and says:  
 that he is a citizen and resident of the Cherokee Nation,  
 Indian Territory. That his post-office address is Skiatook,  
 Ind. Terr. that he was born and raised in the above...  
 Affiant further states that he is slightly acquainted  
 with Irena J. House, an applicant for admission to citizenship  
 in the Cherokee Nation as shown by copy of her application.  
 Affiant further states that his father's name was Charles  
 Rogers - who was a son of Captain John Rogers and the said Capt.  
 John Rogers was the only man of that name that ever lived in  
 the Cherokee Nation that this affiant ever heard of; that  
 the said Capt. John Rogers this affiant's grandfather lived  
 at Grand Saline, I. T. and died in Washington, D. C.  
 This affiant states that his father Charles Rogers had one  
 sister and five brothers viz: Cynthia Rogers, Lewis Rogers,  
 George Rogers, Nelson Rogers, Amos Rogers and Randolph  
 Rogers; that he (this affiant) was well and personally acquaint-  
 ed with the above... except Granvil and Randolph  
 Rogers, who were killed when this affiant was quite young.

This affiant states that he is 34 years of age, born his father never and any family (11... the said Polly... for citizenship of the U. S. never... sister viz. Cynthia Rogers the... acquainted... camp-

Next were the following affidavits on separate dates:

"MARCELLA..."

... I, John L. Adair, Executive Secretary of the... certify that I... original records in... and the... to... to...

... I, the great Seal of said... this, the 27th day of... 1898.

(signed) John L. Adair, Executive Secretary."

That the above... cases:

"(he) Rogers that... father's... number of..."

Affiant... his relatives; that... their family; that... his... Cynthia Rogers died... never... (he) never was... other daughter or... other than Cynthia Rogers

Affiant states that his father told him a number of times, that his... grandfathers... never... other family other than the one above mentioned; that this affiant never heard his... Capt John Rogers... or... about any river.

Affiant states his father... as born... Sulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

Subscribed and sworn to before me on this the first day of October, 1898.

(signed) William H. Hall, Notary Public,

(seal) My Commission expires January 16th, 1900."

United States of America, )  
Indian Territory, ) 98  
Northern District.

Mrs. ... states; that she is... resident of the Cherokee Nation, Ind. Terr. and her last office of... I, T., that she is 65 years of age.



Inferred as follows: "1874 90 Nation's R.  
1877, Commission's R. .... In the application of No 2  
Joanna Barber, Deponent and Answer Filed Mar 13 1897 Jas.  
W. Winston, Clerk. Filed Oct 7 1896 W. W. Jacobway, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

fully appointed and empowered by virtue of  
the Act of Congress of June 4<sup>th</sup> 1896, to hear and determine all  
claims for citizenship of the five civilized Tribes of Indian Territory,  
to-wit:

Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the  
Cherokee Nation, of Joanna Barber and her children, to-wit:

Clara E. Barber, William I. Barber, James E. Barber, John L.  
Barber and Joel A. Barber.

In the matter of the application for citizenship in the  
Cherokee Nation of Joel A. Barber and his children, to-wit:  
Luticie Barber, Toliver Barber, George A. Barber, Franklin S.  
Barber, Jesse Barber and Ethel Barber.

In the matter of the application for citizenship in the  
Cherokee Nation of Mary A. Barber and her child, to-wit: Isaac  
Barber.

In the matter of the application for citizenship in the  
Cherokee Nation of Eula L. Murphy and her child, to-wit:  
Claude M. Murphy.

In the matter of the application for citizenship in the  
Cherokee Nation of Eula Moore and her children, to-wit:  
Anna J. Moore, Jackson D. Moore, Rhenby Moore and Gladys Moore.

In the matter of the application for citizenship in the  
Cherokee Nation of Abbie L. Hunt and her child, to-wit: Barbara  
Hunt.

In the matter of the application for citizenship in the  
Cherokee Nation of Alcey J. Smart and her children, to-wit:  
Georgia A. Smart and Erby L. Smart.

In the matter of the application for citizenship in the  
Cherokee Nation of Joannah J. Garlinghouse and her children,  
to-wit: Myrtle O. Garlinghouse, Vera L. Garlinghouse and Birtina  
A. Garlinghouse.

In order that the Honorable Commission may clearly and  
fully understand the proof and merits of the claims of the  
aforementioned claimants, we deem it necessary to present to the  
Honorable Commission, the genealogy of each of said claimants,  
to-wit:

Joanna Barber, whose maiden name was Joanna Peavy, is a  
daughter of Elizabeth Peavy, nee Dawson and a granddaughter of  
Polly Dawson, nee Rogers and a great granddaughter of Captain  
John Rogers, who was a Cherokee Indian by blood as shown by  
the proof herein submitted.



Jool A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Barber, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Murphy, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Era Moore, whose maiden name was Era Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Garlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their aforementioned children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carl and Watts,  
Council for Petitioners.

Indorsed in and follows: "No 3 Filed Feb 24 1897,  
Jas. A. Winston, Clerk."

Commissioners,  
Henry L. Daves, Frank C. Armstrong, Archibald S. McKennon,  
Thomas B. Cabaniss, Alexander B. Montgomery--H. M. Jacoby,  
Secretary.

DEPARTMENT OF THE INTERIOR,

Commissioner to the Five Civilized Tribes,  
Vinita, Indian Territory, Oct 21, 1896.  
Filed Sept. 8, Answer Filed,  
Application denied.

Jos. W. Barber,  
vs.  
Cherokee Nation.

I, H. M. Jacoby, Jr., Secretary, do hereby certify that  
the above and foregoing is a true and correct copy of Cherokee  
No. 3 page 297 of the Commission to the Five Civilized  
Tribes.

Given under my hand and official signature this 13  
day of Feb. 1897.

H. M. Jacoby, Jr.,  
Secretary."

Indorsed as follows: "1896 No. 4 Filed Feb 24 1897  
Jas. A. Winston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED  
TRIBES.

Jos. W. Barber et al,  
vs.  
Cherokee Nation.

No. 1804.

AFFIDAVIT FOR APPEAL.

Know all men the said Jos. W. Barber et al applicants for citizen-  
ship in this case by W. B. Watts, one of their attorneys,  
and pray an appeal from the decision of the Honorable  
Commission to the United States District Court as provided  
by the Act of Congress approved June the 10th, 1896.

And the said W. B. Watts, being duly sworn and acting  
on behalf of said applicants and that the appeal prayed for  
in this case is not asked for the purpose of delaying the  
justice may be done the appellants.

(Signed) W. B. Watts,

Sworn and subscribed to before me this 22<sup>nd</sup> day of December  
1896.

(Signed) J. C. Lindsey,

(SEAL)

Notary Public.

Commission expires March 31st 1897.

Indorsed: "Court #90."

Received of H. L. McCoy, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of  
----- vs ----- Nation, as follows:

Witness my hand and official seal at Muskogee this the 10 day  
of July 1897.  
(SML)  
(signed) J. Q. Winston, Clerk.

Index: "Court 90 No. 1864. receipt for original papers  
in the case of John Barber et al vs. Cherokee Nation.  
Received & filed this . . . day of . . . 1897. Secret by."

THE UNITED STATES COURT FOR THE INDIAN TERRITORY,  
NINTH JUDICIAL DIVISION, AT MUSKOGEE, IND. TERR.

John Barber, Onis E. Barber, William B. Barber, John  
L. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber,  
Elizabeth, Annie L. Barber, Alsey J. Smart, APPELLANTS.

CHIEF APPELLANT,

APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION  
TO THE FIVE CIVILIZED TRIBES.

Case no. the appellants in the above entitled case  
and petition the Court to grant an appeal in said case from  
a decision of the Commission, known as the Dawes Commission,  
created and empowered to treat with the Five Civilized Tribes  
of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw,  
and Seminole Indians, and to pass upon and decide applications  
for citizenship in the said Five Civilized Tribes, which  
decision by said Commission was rendered by a majority of, but  
not in accordance with, an Act of Congress passed and approved  
June 10th, 1896, and by which decision on the 29 day of  
October, 1896 the aforesaid appellants were denied their  
rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their  
rights to citizenship in the Cherokee Nation, as aforesaid are  
as follows: to-wit: The affidavits of E. Dawson, S. R. Dawson  
V. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the  
fact that said applicants are Cherokee Indians,  
by blood and descent, and entitled to rights of citizenship  
in the Cherokee Nation.

Said affidavits, together with the application, of said  
appellants, were, prior to September the 10th, 1896, filed  
with and submitted to said Commission for its investigation,  
consideration and decision.

That a certified copy of said application, together with  
the foregoing affidavits, were signed upon the Chief, or  
Attorney General, of said Cherokee Nation, prior to September  
the 10th, 1896.

The errors of the Commission in rejecting the claim for  
citizenship of said appellants are the grounds for appeal  
to this Court, to-wit:

FIRST. The Commission erred in refusing to test the said claims adversely to the appellants and to not the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying the same in the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and to deny the appellants the right of filing a petition to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as wanted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claim before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the location of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the reasons upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELFTH. That the Act of Congress approved June the 19th, 1806, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to appear

at this Court and shall defend against the same, and shall show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)

W. B. Fatts,  
A. H. Garland,  
W. J. Watts,  
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 No. 1  
Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896  
Jas A Winston clerk Fatts, Garland & Watts, Attorneys for  
Appellants."

"SUITS."

SO WCV  
United States of America,) (ss.  
Indian Territory,  
Northern District.)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, said to be 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Chris E. Barber, Th R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Et al Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 28th day of Dec. 1896 A.D. 189--

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN."

I received this summons the 23rd day of December A.D. 1896 and served the same as follows: W. T. Hutchinson, Attorney for Cherokee Nation Indian Territory Accepted Service on the within at Muskogee, Ind Ter on this 12th day of January 1897

(signed) W. B. Fatts

By ..... Deputy."



Indorsed on back as follows: "Citizenship Case No. 90  
Ch. 6. Nation... Cherokee... Atoka... Claimants."

"Joanna Barber et al.  
vs. No. 90.  
Cherokee Nation.

Dr. H. A. Gibson, Special Master, to whom this  
case was referred, submit the following report:

"IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,  
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL )

-VS- )

: HONORABLE JUDGE SPECIAL MASTER.

THE CHEROKEE NATION. )

-----o0o-----

I, H. A. Gibson, Special Master herein, show to the Court  
that under a general order herein, I have examined the  
proceedings in this case, which is hereto set aside and  
referred to me, and the facts are as follows:

I

That in this case the Indian Act of September 30th, 1850,  
which gave the Cherokee Nation to the five civilized Tribes, by  
Joanna Barber, and Isaac J. Barber, her husband, and their  
children, Onis E., William L., James E., Joannie and Joel A.  
Barber. That Joel A. Barber has the following children:  
Mattie Toliver, George A., Frankie O., Jesse and Ethel Barber.  
That the application includes also Mary A. Barber and her  
child Inez Barber, Eliza L. Mumby and her child Clark Mumby,  
Ella Moore and her children Anna J., Jackson B., Henry and  
Glady's, Attie L. Hunt and her child Dorrina Hunt, Albert J. Smart  
and her children Georgia A. and Ervey H. Smart, Cora J.  
Carlinhouse and her children Lyrtle O., Cora L. and Bertha  
M. Carlinhouse. That this application was by the Commission  
tried and rejected on October 29th, 1896, with no reasons  
given for the decision, and that subsequently on December 27th,  
1896, the claimants appealed to this Court. That the parties  
all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to  
citizenship in the Cherokee Nation by reason of their  
descent from Polly Rogers, who is claimed to be a Cherokee  
Indian by blood. That the affidavits in support of their application  
the affidavits of S. E. Dawson, E. Dawson, Francis M. Dawson,  
and F. A. Dawson, who testify that Joanna Barber is the  
daughter of Elizabeth Selby, nee Dawson, who was the daughter  
of Polly Rogers, who married a white man by the name of  
Samuel Dawson, and that Polly Rogers was the daughter of  
Captain John Rogers and Alice Vann. That these witnesses  
are all Cherokee citizens by blood, acquainted with the



to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "90 No. 7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, filed August 17, 1897, J. A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "90 Joanna Barber et vs Cherokee Nation."

NOTICE.

UNITED STATES OF AMERICA ) In the United States Court for  
SOUTHERN DISTRICT ) said District.  
(SS ) In the matter of the application  
OF JOHANNA BARBER. ) of Johanna Barber et al to be  
enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Johanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with its depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable Willard H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk.  
Indorsed: "No. 1864 Johanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

BY MR. HUTCHINGS:

We not introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1890, the court number of same being 230, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the Nation, number 108, before the Citizenship Commission, and which was made January 19, 1892.

BY MR. McKEUNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.



- Ques 1. ... by ... Carollee?  
 Ans. ... was young.  
 Ques 2. ... live ... Pruet?  
 Ans. ... the river about 3/4 of a mile.  
 Ques 3. ... Cherokee Nation?  
 Ans. ... both sides of the river part in the Nation  
 and part in the state.  
 Ques 4. ... Barnage was it went to Texas?  
 Ans. ... George went first, then John went, they were the sons  
 of old Man Barnage, that lived up near the line.  
 Ques 5. ... the claimant go to Texas?  
 Ans. ... the claimant did not go to Texas.  
 Ques 6. ... connection was claimant and Polly Rogers?  
 Ans. ... the claimant is the son of Polly Rogers  
 Harlan here is the grandson of Polly Rogers.  
 Ques 7. ... where does claimant now live?  
 Ans. ... he lives in Carroll Co Arkansas.  
 Ques 8. ... you know ... relation old Capt John Rogers was to  
 Charles Rogers here in Cooweescoowee?  
 Ans. ... they claimed him but that kin I dont know there were  
 two Capt John Rogers in the Nation I at speaking of  
 the time when I first come to this country about the  
 year 1830.  
 Ques 9. ... Was Anna Pruet the maiden name of claimants grandfathers?  
 Ans. ... Yes that was her maiden name the Indian called her  
 his  
 Since (signed) Arthur X Baker  
 Lark

Witness hand analyzed in the reason why he signed by a Lark  
 this X

I R T Hooks Assistant Executive Secretary do hereby  
 certify that the foregoing document is a true and correct of  
 the original as appears of record in the Executive Department  
 of the Cherokee Nation  
 Given under my hand and the seal of the Cherokee Nation  
 on the 15th day of December 1894.  
 (signed) R. T. Hooks,  
 Asst Exec Sec.  
 (seal)

To the Honorable the Dawes Commission on Citizenship in the  
 Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, undersigned, respectfully  
 states that she is a Cherokee Indian by blood, as asks to be  
 enrolled as a member of the Cherokee Nation of Indians in  
 the Indian Territory. That she derives her said Indian blood  
 from John W. Barber her mother, who is a Cherokee Indian by blood.  
 The said John Barber being a daughter of Elizabeth Petty  
 who was the daughter of Polly Rogers and Samuel Dawson, the  
 said Polly Rogers being the daughter of Captain John Rogers  
 and Anna (or Varai) Pruet, Cherokee Indians, as shown by a  
 certified copy of the affidavit of Dr. Arthur A. Baker, which  
 is hereto attached as Exhibit A also affidavits marked  
 exhibits B, C, D, and E.

Your petitioner states the above facts as the lawful  
 grounds for her application for citizenship in the Cherokee



tion, and ... fully ...  
Honorable ...  
of a ...  
to all  
in ...  
in ...

... Talala, Ind.  
...  
...  
...  
...  
...

Notary Public  
District, Ind. Ter. ss.

Personally appeared before me, the undersigned authority,  
Irene J. House, to be known to be the petitioner in the above  
petition, who being by me first duly sworn upon her oath  
says that she is the petitioner in the above petition, that  
she has read (or heard read) the said petition and that the  
facts stated therein are true, as she verily believes.

(signed) Irene J. House.  
Subscribed and sworn to before me at Talala, Ind. Ter.  
this 19 day of August A.D. 1896.

(signed) J. Barricklaw,  
Notary Public, my commission expires  
(seal) June 8 1899."

"Exhibit A.  
Northern Judicial Division,  
Indian Territory.

Joanah Barber being duly sworn according to law, on oath  
states her name is Joanah Barber 41 or 42 sixty one years old  
by her office address is Watova Ind Ter- My husband occupation  
is a ... a Cherokee in Coconosecower Dist 1 and a Cherokee  
... Elizabeth Petty (nee Dawson)  
... Polly ... (nee Rogers) and  
... Anna Vann  
... Irene J. House  
... Williamson County, Texas May  
... her husband children to the Indian Territory  
and settled near Talala I Tery

(signed) Joanah Barber  
Subscribed and sworn to before me this 19 day of Aug. 1896.  
(signed) J. Barricklaw,  
Notary Public, my commission expires  
(seal) June 8 1899

"EXHIBIT B.

Indian Territory,  
Northern Judicial District ss.

F. A. Dawson being duly sworn according to law  
deposes and says:



Northern Judicial District,  
Indian Territory.

1896

I, Lawson, being duly sworn according to law on oath solemnly made by J. Popson; I am 41 years old; my last office was near Talala, Ind. Ter. I am a farmer by occupation, and live in the Mesquero District - Cherokee Nation. I am a citizen of the Cherokee Indian by blood, and exercise all the rights and privileges of a Cherokee citizen now living in the Cherokee Nation. I was born in Carroll County Arkansas near Talala. I was raised by Cherokee Indians. From my father all I know through my father, Robert Dawson, who died about 15 years ago was a Cherokee Indian. He was the son of Samuel Dawson in the old Cherokee Nation. His grand parents, Samuel and a woman, were from the State of Georgia. He was born in 1828, and lived in Indian Territory, and later came to the Cherokee Nation. He was recognized as a Cherokee Indian by reason of his blood.

The said Robert Dawson, the father of the said affiant, and Elizabeth, his wife, married Polly Barber, a full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson, is wife also being the same Polly Rogers as aforesaid. The said Elizabeth, sister on the mother of Joana Barber who is a full citizen by blood of this affiant on the Indian side, the said Joana Barber is the mother of Irene J. House, whose maiden name was Irene J. Barber, a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the strip money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above noted Irene J. House.

I have made this statement before J. Barricklaw, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irene J. House.

That the above facts which are within the personal knowledge of the affiant or that in his years of discretion he knows personally, and the other facts which occurred before the recollection of affiant he testifies to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this 19 day of August 1896

(signed) J. Barricklaw,

Notary Public. My commission expires June 3, 1899.  
(seal)."

Notary Public.

Cherokee Nation,  
Cocaw'scoowee District.

EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn: deposes and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a niece of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a direct descendant of Annie Dawson whose children (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.  
(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1890.  
(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 2 1900."

Foregoing indorsed on cover as follows:

No: 7099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will F. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Cor'r. Denied. Filed Feb 20 1897 Jas A. Winston clerk."

"Received of H. H. Jacobay, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs. .... Nation, as follows..... Witness my hand and of ficial seal at Muskogee this the 26 day of Feb: 1897 J. A. Winston, Clerk."  
(Seal)"

Indorsed: "Court No. 238 No. 5464 Receipt for original papers in the case of Irene J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189...."

"Irene J. House et al,  
vs. No. 238  
Cherokee Nation.

Mr. H. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.





recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the appellants claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the roll of the Nation, and that he is not a citizen of the Cherokee Nation.

The appellants contend that the applicants are entitled to be admitted to the Cherokee Nation as citizens by blood, and that it was entirely proper that in the condition of affairs at that early period of the Cherokee Nation, especially owing to the absence of a regular system of records relating to marriage, that those who should be the descendants of Captain John Rogers by a daughter, Polly Lewis, of whom the affiants for the appellee aver they are.

I find that the appellants are descendants of the Cherokee Nation, Indian Territory, where they have resided since 1837, and that they are Cherokee Indians by blood.

I find that the court should allow the respondents the ordinary services of a Special Master.

Respectfully submitted, this 17th day of November, 1897.

(Signed) H. A. Gibson,  
Special Master.

By fee paid,  
No Exceptions filed.

foregoing papers indorsed on cover as follows: "238, Irene S. Pound et al v Cherokee Nation, Final Report of Special Master, filed Nov 14 1897 Jas A. Winston, Clerk."

foregoing papers enclosed in packet indorsed as follows: "238, Irene S. House, et al vs. Cherokee Nation."

BY MR. JUSTICE

as follows above for the present.

EXAMINATION OF WITNESSES FOR THE APPLICANTS:

D. W. Duncan, being first duly sworn, and being examined, testified as follows:

BY MR. JUSTICE:

- Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 33 years, my residence, Vinita, Indian Territory.
- Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
- Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.
- Q Before this Commission, I will say, this Commission? A The Dawes Commission? A My I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
- Q Were you in any way connected with the Cherokee citizenship Commission in 1883 known as the "Teece Commission"? A I was clerk of that Commission.

Q Now, I am going to ask you to recollect the exact length of the Commission's report, and, finding the continuance of the Commission, whether or not it was a Commission.

Q You are the only clerk who saw its existence were you?  
A I think I am.

Q You are Clerk of the Court when it rendered a decision in favor of Robert Ray and others, as found on page 114, of its records, numbered 100 (witness examine record referred to.) now in the possession of this Commission? A I was.

Q The members of that Commission were the same as shown by the exhibits in this judgment were they? A The same, yes, sir.

Q The names of the members of the Commission, Alex Wolfe and T. F. [unclear] is that correct, is it? A That's correct.

Q Now, you recall that this case was under consideration by that Commission, and it was referred to a friend in the case? A I was.

Q Where you at that time acquainted with S. M. Dawson, the only clerk of the Court, Marshall Taylor and Samuel H. Beuge, who were officers of the Court at that time? A I might say that I recall that Mr. Dawson and I had seen him when he was in the office of the Court, and Mr. Beuge was also in the office of the Court at that time.

Q The names of the officers of the Court were they? A They were. Dawson, Taylor, Beuge, and I think [unclear] Attorney?

A I think he was.

Q Now, whether or not; but you were present at the time this case was under consideration by the Court? A Yes, I do not recollect seeing Mr. Beuge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room at that time.

Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?

Q Who called up the case? A No, I don't recollect.

Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only that one decision.

Q Was that in favor of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.

Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.

Q Did Ed Dawson pay you any money in connection with that case?

A He did not.

Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.

Q Or did you say so, either directly or through any other person? A I say influence in that case?

Q Yes, sir? A Never.

Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.

Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the session of the Commission. I saw but very little of him during the recesses of the Commission, but when I would see him in passing.

Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judgment?

sent? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in the kind of practice.

Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money or coin, through his friend, Mr. Dawson, for any services you had rendered to him in that case?

A Yes, he paid me some.

Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know, but I had better go and state the transaction, all about it.

Q You, sir, Mr. Dawson, Ed Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of subpoenas or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel that I ought to pay you. I told him I made no charges for work of that kind. All in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper I went to my hotel, the National Hotel. Mr. Campbell went to my room. Felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, took a chair to the bedside and sat down and commenced giving expression to his gratification at the success of his case, especially mostly upon the testimony in the case being so satisfactory in establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes. After a little he says, I must go to London, I think he says to-morrow, I must go home, he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Allowing, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services. If I have done you any good you are welcome. Well, says he, I feel indebted to you. I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, or it must have been a year afterwards. I had located a little claim on the public domain up there in Delaware District, looked off what I intended to be a farm, merely stakes, I didn't make any other improvements, over there on Hope Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim; so we will settle the matter in that way, that he gets some or he get his little matters together that he would satisfy me for it. Well we parted at that point. It ran on thus for a long time, I don't know how long; I think I got him in visits, and says he, did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing his share lit in services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at any time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson?

A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKEHNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim and r it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thorpeon, Commissioners. B. W. C. Duncan, Clerk Commission.

The said judgment is introduced in as follows:

"Office Commission on Citizenship,  
Tahlequah, C. N., September 24th, 1881.  
No. 108

Robt Dawson,

Elbert Dawson,

Jasper Dawson,

John Dawson,

Josephine Dawson,

Joseph Dawson,

Jane Dawson,

Holly Dawson,

Wilbron Dawson,

James Dawson,

Eial Dawson,

vs.

Cherokee Nation.

Petition for Citizenship

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1882.

The above case continued by the Cherokee Nation till Sept.

term. Agreed by the parties that the above shall not be taken up for final disposition before the 4th day of Oct. 1882, October 4th, 1882.

It is agreed by the parties that this shall be finally disposed of at the next January term if the plaintiff is present demanding the same, if not, the case shall be then continued to the September term, 1883.

On this agreement Commission continues the case till the next January term to-wit, January 1st, 1883.

And now this the 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on citizenship that the claimants, Robert Dawson, F. H. Lawson, Albert Dawson, Jasper Dawson, John Dawson, Joseph Dawson, Joseph Dawson, Jane Dawson, Holly Dawson, Wilbroh Dawson, James Dawson, and Rich Dawson, 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 they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tennes,

D. V. C. Duncan,

President of Col.

Clerk of Commission.

Alex Wolfe,

Commissioner,

F. T. Thornton,

Commissioner.

Transcript issued to claimants, January 11th, 1883.

(signed) D. V. C. Duncan, Clerk.

Marital Note: "Case submitted by Plaintiff January 11th, 1883. Case submitted by Solicitor January 11th, 1883."

- Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A By recollection upon that point is not positive, but by ordinary recollection I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners, unless he was present, assenting to it or directing it.
- Q The rendition of that judgment then was concurred in by all of the three judges? A It was.
- Q Mr. Duncan, if there had been a decision rendered the day after in this case while the Court was in session, adverse to those claimants, would you have known it? A I certainly should have known it.
- Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.
- Q How many of these judges are now living? A Only one.
- Q Whom? A Mr. Thornton.
- Q Felix and Wolfe are dead? A Felix and Wolfe are dead.
- Q How long have they been dead, do you know? A I do not know quite a number of years. I wasn't living there, never lived there then when their death occurred, and their death occurred some a long time before I got knowledge of it. It is generally understood that they are dead.



Q. you're older than we saw any other clerk of the court. Really about the court at that time than that person? A. I have no thinking, and I can't call to mind that I have seen any other clerk except you, until after that time. I don't know subsequent to the condition of the July 21st.

(At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and asked to retire until called.)

MR. HUTCHINGS:

Q. Mr. Bucal, when did you become a clerk of the Texas Commission of State? A. It must have been somewhere in December, 1884, when the Commission was organized immediately at the close of the Council in which they were appointed.

Q. December 1884? A. I think so.

Q. Do you remember doing rendering judgments here in your capacity in 1887? A. The Commission held its Court after they were elected to office.

Q. The Court was elected in 1887 wasn't it? A. Well, I don't know. I don't pretend to say when the Court was elected, I don't know. I said at the time I was chosen clerk, I was chosen clerk for the class of the session of the National Council of that year.

Q. '88? A. I think it was '84.

Q. You entered in this judgment rendered January, 1887? A. Yes, that was the session of the Commission.

Q. That was before you were clerk of it? A. Well I don't know. I think for some time you know continuously.

Q. Well but when you were a clerk of it you were their clerk when the Dawson case was passed on? A. No, I don't know exactly that.

Q. How could you be clerk of it if it was passed on in 1887 when you were not elected until 1884? A. I am mistaken in that, '84 comes after '83, - it was passed on preceding 1883, it must have been '82.

Q. Your first entry in the Dawson case is January 13, 1883, isn't it?

Q. I don't recollect that my first entry was. (Attorney shows the record to witness) Yes, that is the entry there on that day.

Q. And that was shortly after you became clerk wasn't it? A. Yes, shortly after I became clerk.

Q. The case had been entered upon the docket before you became clerk?

A. I think so, yes; it was entered at the previous term of the session of the Commission.

Q. In whose handwriting was the names of the three Commissioners entered to that judgment? A. Dawson Judgment?

(Attorney shows record to witness again) A. That is my handwriting.

Q. All three names? A. All three names.

Q. The record there shows that you immediately gave that that day a transcript of the judgment, do you know who signed that? A. I signed the transcript?

Q. Yes, sir. A. I do not recollect now, this is, did the writing?

Q. Signed the names to it? A. Yes, that's it.

Q. You always signed the names of Jones and Wolfe didn't you?

A. I think I did pretty generally; I don't know of their attempting to write their own names.

Q. When Mr. Thompson was there didn't he sign his own name? A. Sometimes he did, sometimes he simply authorized me to do it.

Q. Have you any recollection of his authorizing you to do it except from the fact that you have done it on that record frequently?

A. I don't recall the particular literal fact of authorizing.

But I can say positively that, consulting the record, that he authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and refer to it in the judgment and say who signed the names of the Commissioners there? A (Papers are to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q What made you say you were testifying at Verita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had never seen any of the records in the case for about nineteen years. The exact transaction in the court was published about entirely two or three years; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a true title of the Court at the time I served, which I signed the names of the full-blood members of the Commission, Mr. Thompson either uniformly or occasionally signed his name. I based my statement in that deposition upon my knowledge of the full-blood practice in the Court, without comparing the document as respects my story. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, not on that your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting, and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting; if it was not refuted by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances. I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Toke and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew there was a resemblance; what made me of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I am much deceived—that his chirography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

... what at that time in your testimony by the ... swore that that was his handwriting ... A Mr. Thompson stating that that ... to ascertain whether I was ... I concluded that

... didn't you, that he always signed ... A I do not recollect ... the word "always", as that is, but ... the deposition was taken in ... I do not recollect an exhibit of the ... I occasionally ... for

... out that your testimony given ... was wrong until you examined the ... of ... your ... of it since that time until ... the exhibit.

... recollection that you have ... and the ... that Thompson was present when ... and ... the fact that you ... signed ... is it? A As a fact,--

... that ... or not? A That being the ... recollection ... I recollect now that the ... were all present at the time that I signed it. I didn't ... out of court at all.

... was it in the forenoon now or in the afternoon? A I don't ... whether it was in the forenoon or afternoon.

... in recollecting that they were all present when the record was ... signed, do you mean to say that they were all present when the ... judgment was rendered? A Yes, that is, you mean when the question ... admission or rejection was voted upon?

A Yes, A They were present.

Q Did you take up the record at the time that they rendered the ... judgment, or make a memorandum of it, or then write up the ... judgment some days afterward? A The record was not written up ... solely upon the decision of any case, but I wrote up the ... record after adjournment, generally in the evening, and presented it ... next day or when the next session was held, for signature; that is ... the record.

Q But in this Dawson case you wrote it on the very day that it ... was rendered didn't you? A I didn't recollect as to that.

Q And you have a transcript the very day it was rendered?

A I don't recollect as to that.

Q And you placed the given of the transcript on the bottom of the ... judgment when it was rendered? A I should say it was given at ... the transcript.

Q Now, that is a very unusual thing for you to do in entering up ... what?

Q Now, on the bottom that you had given a transcript the same ... judgment was rendered? A No, I don't know that there is ... about that.

Q Now, you never issue in that record or more than one in any event ... that you have ever done that? A I don't recollect, indeed I don't ... recollect of giving anybody else a transcript.

Q That is what I am getting at: you give them a transcript and ... your judgment and everything right away? A Pretty ... after the decision; whether it was the next day or ... the evening, and then next day, I don't recollect.







BY MR. MCKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. MCKENNON:

- Q That is your name? A B. F. Fortner.  
Q What is your age? A 54.  
Q You are a physician are you not? A I am.  
Q Where do you reside? A Vinita, Indian Territory.  
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Councils of the Indian Territory and of the American Medical Association,--those are some, and the most important positions I hold at this time.  
Q Are you a Cherokee citizen? A I am.  
Q By blood or intermarriage? A Intermarriage.  
Q Your wife is a citizen? A Yes, sir.  
Q Do you know D. W. C. Duncan? A I do.  
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.  
Q Do you know his general reputation in his community where he resides for honesty and straightforwardness of character? A I do, I think.  
Q Is that good or bad? A It is good.  
Q Do you know Geybelle Taylor? A I do.  
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.  
Q Do you know his general reputation for truth and veracity? A I do.  
Q Is that good or bad? A It is bad.  
BY MR. HASTINGS:  
Q Mr. Duncan belongs to the same church you belong to? A Yes, sir.  
Q And has for a number of years? A Well now I say I think he does; I have always seen him there.  
Q Don't keep up with all your members? A No, but he has attended church there and his impression has been that he is a member of the church.  
Q You didn't have any business before the citizenship court of which he was clerk, did you? A No, sir, not that I know of.  
Q You was not at Tahlequah while he was clerk of a court from 1892 to 1897? A I don't believe I was.  
Q Never had any business before that court? A Had no business before then, not while he was clerk to my knowledge.  
BY MR. MCKENNON:  
Q You spoke of his members in the church; he is in good standing as a member of the church is not? A Yes, sir.  
Q I will ask you if Geybelle Taylor's reputation isn't notoriously bad? A Yes, I have no understated it.  
BY MR. HASTINGS:  
Q I will ask you if it was notoriously bad in 1895, when these people employed him to represent them before the court? A That was before my knowledge of him.

Q But so far as his general reputation dates back so far as you know, that's all you know, is that right? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Miller.  
Q What is your age, Mr. Miller? A 61.  
Q Where do you reside? A Vinita.  
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.  
Q Are you a citizen of the Cherokee Nation? A No, sir.  
Q What is your business? A Real estate and insurance agent.  
Q Do you know D. W. C. Duncan? A Yes, sir.  
Q How long have you known him? A I have known him twenty years.  
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Yes, yes sir.  
Q Is that good or bad? A It is good, so far as I know.  
Q Do you know Campbell Taylor? A Yes, sir.  
Q How long have you known him? A Well I have known him 13 or 20 years, I guess.  
Q Do you know his general reputation for truth and honesty? A Well yes.  
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

V. H. CURTIS, being first duly sworn and being examined testified as follows:

BY MR. MCKENNON:

Q What is your name? A V. H. Curtis.  
Q How old are you, Mr. Curtis? A 58.  
Q Where do you reside? A Arton, Indian Territory.  
Q How long have you lived in the Indian Territory? A 30 years.  
Q What is your business? A Furber business.  
Q Do you know D. W. C. Duncan? A I do.  
Q How long have you known him? A About 20 years.  
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.  
Q Is that good or bad? A As good as any man's.  
Q Do you know Campbell Taylor? A I do.  
Q How long have you known him? A Some 20 years, I suppose.  
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.  
Q Is that good or bad? A Bad.  
Q Is it notoriously bad? A Yes.  
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '88 and '90.  
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.  
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.  
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.  
Q Did you know him well enough to know his habits of life? A Yes sir.  
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q Was his character such as to preclude any such charge against him? A It was, no sir.

BY MR. WATKINGS:

Q How long did you know Dr. Baker? A Two years.

Q That does he do there? A He was an old gentleman then, he lived right in the edge of Berryville, Dr. Baker.

Q How old do you think he was then? A I think he must have been 60 or 65 years old; an old gentleman.

Q That's in 1863 what, 60? A No sir, I was in '63 and '64, the two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q That family did he have? A I don't know how much family he had, I was well acquainted with the old gentleman.

Q He wasn't doing any business with anybody? A No sir.

Q And his character was never called in question one way or the other way it? A No sir, no sir.

Q Campbell Taylor was a notorious racial preyer much over since you ever knew him wasn't he? A Yes sir, I never knew much good of him.

Q And whenever a man got a bad citizenship case he got Campbell to work it, because he was notoriously a misdoer, that's it isn't it?

A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would get him, it would sort of give a case a bad odor to have Campbell around it? A Yes, that could be right.

Q You never knew anything about Mr. Duncan's connection with citizenship matters? A No sir, never did.

Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Duncan case? A Yes sir.

Q Ruffin had it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That rumor got out from the first day they were admitted right up to the present? A Well I don't know how long the first day, I have heard it for a good while though.

Q But you never knew who they fixed it out? A No sir.

Q They have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Got a good many votes up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Dr. Baker? A No sir, I never did.

Q That would you think of a man who would testify that he had a girl that was single in 1825 when the youngest of his seven children

was born in 1823; what would you think, would you think that was a statement to be made by a man who was truthful? A

BY MR. MCKENNON: Applicant's objection to the question because it is wholly incompetent, and not based upon any proof or admitted facts in the case, and it is wholly immaterial and incompetent.

THE COURT: I think that was a statement that would be made by a truthful man? (No response.)

Q You knew him in '63? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, '63 and '64.

Q 14 years from that time he was liable to be in his dotage?  
 A I don't know, he was an old man when I knew him.  
 Q He was too old to work, and retired from business then? A Well  
 he did work a good deal, but wasn't doing any business particular  
 that I knew of.  
 Q He would have been pretty old 14 years from that time? A Yes,  
 he would be getting old.

D. H. MARRS, being first duly sworn, deponent's name examined,  
 testified as follows:

BY MR. HICKENKON:

Q What is your name? A D. H. Marrs.  
 Q What is your age, Mr. Marrs? A I am 46.  
 Q What is your business? A I am publishing a newspaper.  
 Q What paper? A "The Indian Chief."  
 Q Are you Editor of that paper? A Yes sir.  
 Q You live at Vinita, then? A Yes sir.  
 Q Are you a citizen of the Cherokee Nation? A Yes sir.  
 Q By blood or intermarriage? A Intermarriage.  
 Q How long have you known D. W. G. Duncan? A I do.  
 Q How long have you known him? A 18 or 19 years.  
 Q Do you know his general reputation in the community where he  
 lives for honesty and uprightness of character? A Yes sir.  
 Q Is that good or bad? A Good.  
 Q Do you know Campbell Taylor? A Yes sir.  
 Q How long have you known him? A Why 15 years or longer.  
 Q Do you know his general reputation for truth and honesty in the  
 community? A His general reputation, yes sir.  
 Q Is it good or bad? A Well it is not good.  
 Q Is it bad? A Well I suppose it must be bad then.

BY MR. HUTCHINGS:

Q How long has Campbell's reputation been bad, Mr. Marrs,  
 quite a good while, hasn't it? A Why I think so, yes sir.  
 Q And it kind of began mostly with this citizenship business?  
 A Yes, so far as I know it did, yes sir.  
 Q Campbell got so many bad citizenship cases and through the mails,  
 and they finally had him up about it, had a good deal of stir about  
 it? A Yes sir.  
 Q And some of that stir was sort of occasioned by his helping  
 the Dawson's in wasn't it? A I don't know, I don't know whether  
 he helped the Dawson's.  
 Q Was not that one of the principal cases that brought him into  
 notoriety? A I don't know whether he had that case or not, I  
 know he had a great many cases.  
 Q That was the principal thing that concerned the mind Campbell  
 out, was citizenship cases here? A I think that was what got him  
 into the most trouble.  
 Q I say before that time nobody had talked much about Campbell  
 one way or another, and it became rather general that Campbell  
 was handling shoddy citizenship cases, and he got a bad reputation  
 from that? A Yes sir, I think that was the impression generally.  
 Q Now Mr. Duncan's connection with the Dawson case sort of took  
 him back; people never talked much about it? A I never heard any-  
 thing about it, as I know of.  
 Q You have heard that there has been something wrong about the  
 Dawson case, that has been a notorious thing? A Oh it has been  
 a notorious case, yes sir.  
 Q Well the fact of Mr. Duncan's reputation for straightness has  
 been somewhat given by himself, he confesses it frequently? A No  
 so that?

Q His reputation for straightness is somewhat given by himself; he takes occasion to confess that very often himself doesn't get

A I don't know whether I am qualified to answer that.

Q Speaking of his own honesty, he does that very frequently?

A No sir; not that I know of.

Q Doesn't he write a good deal about that sort of thing? A About his reputation?

Q Why is speaking of his own integrity? A I don't remember that he does.

Q You were not about the citizenship court along in 1901 '2 and '3 were you? A No sir.

Q Don't remember about the talk and the going on around the Capitol over there about the citizenship court? A Why no, don't remember anything special as I know of. I remember the citizenship court going on at different times.

Q How far were you living from Tallahassee in '87? A Well, I live close to Vinita, I guess it is sixty miles probably.

Q Have you lived any nearer Tallahassee since that time? A No sir, never have.

H. L. SULLER, being first duly sworn and being examined testified as follows:

BY LRS. MCKENNON:

Q What is your name? A H. L. Suller.

Q You are a minister of the Gospel? A Yes sir.

Q H. E. Cheney, Soule? A Yes sir.

Q How long have you been a minister? A I have been in the ministry 23 years, sir.

Q Did you ever live at Vinita? A Yes sir.

Q How long? A I was there four years, sir.

Q Do you know H. E. Cheney? A I do.

Q How long have you known him? A I have known him almost 31 years.

Q Do you know his general reputation for honesty and uprightness of character? A I do.

Q Is it good or bad? A Good, so far as I know.

Q You have had opportunity of knowing? A Yes sir.

BY MR. HUTCHINS:

Q Mr. Duman was a member of your church? A Yes sir.

Q That is the principal way you had opportunity in contact with him?

A Yes sir, he was a member of my official church.

Q His connection with citizenship cases that were decided by the court of which he was clerk was never known to you in your presence?

Q Or never discussed? A No sir, I know nothing about his connection with it.

Q You didn't live about or near Tallahassee in '87? A No sir, I was pastor of the Methodist Church in '87 at Tallahassee.

Q Did you hear about the Hayden case, and other cases decided there by the citizenship court? A No sir, I know nothing about the cases; I know that the Commission was in session, and I know that he was clerk of the Commission, but know nothing about the cases that were decided at all.

Q Have heard anybody discuss the cases that were decided? A No sir.



THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows;

BY MR. MCKENNON:

- Q What is your name? A Thomas A. Chandler.  
Q What is your age, Mr. Chandler? A I am 30.  
Q What is your business? A Deputy clerk of the United States Court at Vinita.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Do you know D. W. C. Lynch? A Yes sir.  
Q How long have you known him? A Let me see, I have known him about nine or ten years.  
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A Yes sir.  
Q Is it good or bad? A Good so far as I know.  
Q Do you know Campbell Taylor? A Yes sir.  
Q How long have you known him? A I think about 15 years.  
Q Do you know his general reputation for truth and honesty? A Yes sir.  
Q Is it good or bad? A Bad so far as I know.

BY MR. HUTCHINGS:

- Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.  
Q You never knew him until 1887? A Well I never knew him personally, I heard of him before that.  
Q He had a bad reputation before 1887? A Yes sir.  
Q Bad reputation way back yonder? A First I remember I ever heard of him I heard people speak bad of him, when I was a child.  
Q And everybody that came around the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80, I think that's about the time.  
Q And Campbell got a very bad reputation in '80 and '81 when we begun to have these citizenship cases? A Yes sir.  
Q You heard him spoken of in respectability and using the mails for these business? A Yes sir, I heard of him being in the Fort Smith Jail on that account.  
Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.  
Q And I also heard he had a bad reputation for owing his debts, also about the same time.  
Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.  
Q He could have kept out of bad citizenship cases? A Yes sir, I am sure he could.  
Q You never heard Mr. Duncan's name mentioned before in connection with the Duncan case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.  
Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Duncan citizenship cases.  
Q That had always been in notoriety ever since they were admitted? A Yes sir, I have heard it repeated around over the country that was the case.

- Q They are a pretty large voting capacity in these cases and cases were never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q So they never had any endeavor to find out who the ...  
A No sir.

Q Where did you live in '87? A In '87 I lived out on Jack Creek  
about 12 miles south-east of Vinita.

Q How far from Tablequah was that? A About 65 or 70 miles, I  
suppose.

Q You never were around before the citizenship courts any during  
that time? A No sir.

Q You don't know then whether or not Campbell had lost ... the bad  
cases or not down there? A No sir, I do not, at that time.

BY MR. MCKEITHEN: Applicants object to all of the testimony  
of this witness as to what he heard by way of rumor, about the  
character of the Laussen case, because the same is hearsay,  
immaterial, irrelevant and incompetent.

A. S. MCKEITHEN, of Counsel for Applicants, being first duly  
sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in  
1850. I was intimately acquainted with Doctor Arthur Baker,  
for many years. Knew him as well as I did anyone else. He was a  
gentleman of the highest Christian character, so recognized by  
everybody who knew him. He was a sober man, and never drank liquor.  
I don't think there was more in vindication of that good man's memory  
than for any other reason, because any imputation against his  
character is false.

BY MR. HASTINGS:

Q How long did you know him? A I resided in Carroll County until  
1867 when I removed to Johnson County, Arkansas; during the war  
I was away from here, but I knew him intimately every year that I  
resided in Carroll County.

Q Did you know him since '87? A Yes sir, I have seen him several  
times. I have relatives living in the town in which he lived;  
my relations to him were such as to cause me always to inquire  
about Doctor Baker; I think his reputation I think as well after  
I left there as I did when I lived there.

Q Did you know those facts in 1896 when you were a member of  
this Commission? A Yes sir, I have known them all my life as I  
know them now.

Q Did you know that when you as a member of this Commission passed  
on the Irene J. White case? A I know it every day of my life, in  
1896 as well as now.

Q Suppose that Doctor Arthur Baker's statement should appear that  
he was born in the year 1809, that anyone he said when he was 18  
or 19 years of age that Anna Pratt the wife of Samuel Dutton,  
was a grown up girl going to school, when the other admitted  
evidence shows that she had married Sam Dutton prior to that time  
and had seven children, the youngest of whom was born in '43, how  
would you harmonize that with a statement that he was born in  
the facts in the case? A Whatever Dr. Baker stated he honestly  
believed, whether it was right or wrong, whether it was correct or  
truth, he honestly believed it, and I believe he should be believed it.

Q He was capable of being in error? A Every man is.  
Q I say he was? A Yes sir, but for you, I don't say that he  
was; I merely stated up to him that a statement which could be proven  
by every man who knows him, I believe I know it.

Q The Commission rejected Irene J. White as false, of which you were  
a member? A I don't remember anything about that particularly.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MERRITT, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A David Merritt.
- Q Where do you reside? A Vinita.
- Q How old are you? A 60 years old.
- Q Did you ever know James Dawson? A Yes sir.
- Q How long have you known him? A I know him probably 2 years.
- Q Did you ever have any talk with him about his citizenship case?
- A Very little.
- Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
- Q Tell what old Mr. Dawson told you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.
- Q Where did that conversation take place? A At Afton.
- Q At what time? A It was in '98, spring of '98.

BY MR. MCKENNON:

- Q Where were you when he told you that? A I was working on a house in Afton, building the house.
- Q Those houses? A S. S. Ruess.
- Q Who was your employer? A Wallace Van Orman.
- Q Where is he? A At Afton.
- Q What age was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.
- Q Was he not a very feeble man? A Yes sir.
- Q Hardly able to get around? A No sir.
- Q Was he not known as a good handed old man? A I don't know whether he was or not.
- Q You don't know what he had to do with the case, in fact, did he, do you? A No, I don't know anything about it and finally that cost him to get through, Attorney's fees, etc. That is the way I took it anyway.
- Q You were an applicant yourself were you not? A Yes sir.
- Q When? A At that time.
- Q Before the Commission was organized? A Yes sir.
- Q They rejected you? A Yes sir.
- Q You were not before the Dawes Commission were you not?
- A Yes sir, been rejected ever since.
- Q Are you still an applicant? A Yes sir.
- Q Still trying to get in? A Yes sir.
- Q Applying by blood? A Yes sir.
- Q How long have you been living in the Cherokee Nation? A 15 years.
- Q Where did you come from? A Indiana.
- Q What was your father's Cherokee citizenship? A Yes sir.
- Q Indian? A Yes sir.
- Q James Dawson is dead is not? A Yes sir.
- Q How long has he been dead? A I think he died probably 15 or 20 years after that.

TESTIMONY IN BEHALF OF THE CHEROKEE NATION.

F. M. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

F. M. Dawson, A Yes sir.

Q. Mr. Lawson, what member of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?

A. My brother from Texas came at Tallahassee.

Q. Tell his name? A. Elbert Dawson, they all know him by Buck.

Q. When was that? A. In '81 as far as I remember, or '82, I don't know which it was in '81 or '82.

Q. Did you file your claim at that time? A. My brother was, yes, the application, my brother had Joel Hayes to make it out and file it. That is my understanding.

Q. Joel Hayes, who afterwards was Chief of the Cherokee Nation?

A. Yes sir.

Q. Before what court was that filed? A. My understanding was he was clerk of the court; Hastings can tell me what court he was clerk of.

Q. He was clerk of the Court at that time? A. Yes sir, of the citizenship court; that's my understanding.

Q. That was done about the case at that time, if you remember? A. I went back home and left my brother down there at that time, that trip.

Q. There did you then live? A. I lived at Berryville, Arkansas.

Q. When did you next come to the Cherokee Nation? A. I believe I come back the next January, that was in September.

Q. Was your brother Buck here then? A. I don't think he was, I don't remember.

Q. Well had he at any time of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A. No sir, I never set his any more until that case was decided.

Q. You conducted the business then after that did you not? A. Yes sir.

Q. The case was finally determined in January 1883? A. '83, yes sir, the 11th day as I remember.

Q. Were you present at that session? A. Yes sir.

Q. Was there any decision of that case other than the one of record here? A. I never heard of it if there was.

Q. Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?

A. Yes sir, so far as I know, if there was any I never heard of it in that case.

Q. You then know of no decision against you in the case? A. No sir.

Q. Who was your attorney employed at the beginning? A. I employed A. H. Horwood.

Q. Was he a Cherokee citizen? A. Yes sir, I think so.

Q. Where did he live? A. At Glendale, my understanding.

Q. Was he present at any time before the Commission? A. I never saw him, he never got me there before the Commission.

Q. Did you pay him any money? A. Yes sir.

Q. How much? A. Fifty dollars.

Q. Did he ever render any services? A. If he ever did I never knew it.

Q. Well then who did you employ? A. My brother employed Joel Bryant.

Q. Was he a Cherokee citizen?

A. That is my understanding.

Q. Was he not a prominent Cherokee citizen? A. Yes sir.

Q. What service did he render? A. Well sir, I don't know whether he rendered any or not, only he set me a title or two at Tallahassee, and he was before the Commission; whether he rendered any services



or not I don't know; he was generally always at Washington City during the Term down there.

Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would see to my affair before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Well what did you do then? A Why when the time come I come down on the party to Muskogee here and I goes over from here to Fort Gibson and I goes down to see Uncle Houston Senge and stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Senge come over and the next morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they want to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.

Q Was Uncle Houston Senge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the Commission? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to set up the cigars in the court and the crowd in the house; after the decision was rendered then I was to set up the cigars, and everybody come to me and told me to go and get the cigars and I done so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.

Q What did you do about it then? A Why the clerk wrote me out my certificate.

Q That same day? A That same day.

Q What arrangements did you make with Mr. Senge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay, he charged me fifty dollars, that was his fee.

Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.

Q Were you to write or was he to write? A He was to write for it.

Q Did your brother in Texas ever pay his fee of fifty dollars?

A Yes sir.

Q Was that all that was to be paid? A All he was to have; all he charge me.

Q You heard his statement when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.



- Q If you state that you paid him 20 or 25 dollars before you went to Tallapoosa, did you do that? A No sir.
- Q He said that you paid him fifty dollars after he got over to Tallapoosa, did you do that? A I never saw him again in my life.
- Q After that judgment was rendered, did you go to him? A I went back over to Arla sas.
- Q By what route? A I went by Silos Springs and on by Spring Dale and then to Rogers, took the railroad there and went on by Silos Springs and by Arla Springs home.
- Q You then did not return to Fort Gibson with House, as he stated? A No sir, I did not.
- Q Why did you not return by way of Fort Gibson? A Well I thought maybe the others who were charged at road and struck a hack going out by Silos Springs when I was boarding at, I could go to Silos Springs and I went by that route and then there was a hack going by Spring Dale, that was the most direct route.
- Q That is the most direct route from your home was it not? A Yes sir.
- Q And the cheapest? A And the cheapest route.
- Q Had you been coming out to Fort Gibson you would have been paid directly away from home would you not? A Yes sir.
- Q Your home is nearly east, the east of Tallapoosa was it not? A Yes sir, little north of east, pretty near due east.
- Q While Fort Gibson is almost due east is it not? A Southwest.
- Q You heard his statement that you went to Fort Gibson with him, and as you came you stated to him that it was to reach that court and through Duncan and he reached the through Duncan with five hundred dollars, did you state that to him? A I never did, I didn't have the five hundred dollars to reach him.
- Q Did he while at Tallapoosa in the court room on the evening before this judgment was rendered in your favor, tell you what the court had rendered a judgment against you? A No sir.
- Q And did you then say to him, you would fix that? A I had no such conversation with him.
- Q Did you pay to D. W. C. Duncan, who was the clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
- Q Or for any other purpose? A No sir.
- Q Did you pay him any money after that through Campbell Taylor? A Yes sir.
- Q What amount? A 20 or 25 Dollars, I don't know which it was.
- Q State what that money was paid for? A For a claim.
- Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to me; paid him 20 or 25 dollars for his claim to have up there by me, on the Cherokee Public Domain.
- Q What did Campbell Taylor have to do with your case? A He had nothing to do with it.
- Q Did you agree to pay him any money for his services as an attorney? A No sir.
- Q Did he perform any services in that case for you as a representative of Mr. Bryant? A No sir.
- Q Did you pay him any money? A Yes sir.
- Q On what account? A He came to me and said he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.
- Q What amount? A Hundred dollars.

Q Did you give any money to Joel Bryant, the one who got off? A Joel Bryant said he didn't, but I told him again, that Joel Bryant the hundred dollars, and I told him that E. D. Ross said Joel Bryant; after that we were all ready to go by Campbell Taylor, and he is twenty dollars or twenty-five dollars; I don't know how much he got.

Q How did you get that 25 dollars out of Mr. D. Duncan? A I got after him for tellin' him to get that money back to me, he rendered no services to me at all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.

Q The amount that he paid to Duncan? A Yes sir.  
 Q Was this money paid to him, this one hundred dollars, all the money there at the time the judge got arrested, or was it some so called afterwards? A I don't know what time, I don't know about it.

Q You think it was some time? A Yes sir, that's my recollection now.

Q Did you pay him one hundred dollars for you to get any more there, as he said to you, during that time, after that he rendered I don't know, but I don't know fifty dollars of that or any other sum to D. W. G. Duncan? A No sir.

Q Did he send you a check on a hundred dollars if he directed? A No sir.

Q Mr. D. also, do you believe that it would have been a good idea to obtain their citizenship in the American Nation after this judgment? A Pretty near it I do.

Q Well about what sum? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of my money, what I was beat out of and expenses.

Q Now take a statement of what that money was paid for and how, so far as you remember, itemize that now? Well the first fifty dollars Norwood got; the next fifty dollars he got; that was the attorney's fees; I speak of the attorney's fees now; the next money was the hundred that Campbell Taylor got; the next attorney fees was Bryant's one hundred dollars.

Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for taking Baker's deposition.

Q Which Ross was that? A The old chief, Will Ross I think was his name, William P. Ross.

Q He then, this Chief William P. Ross for taking the deposition of Dr. Baker charged you fifteen dollars? A Yes sir.

Q Do you mean by that that he acted as your attorney and examined him? A Yes sir.

He examined him before the Commission, that his statements.

Q What other attorneys were there present? A None of them was present.

Q Well now, go on? A For the expenses of taking Dr. Baker and he was a doctor, as well as I remember he charged me 5 dollars a day and I wore him and his expenses down there; we come through in a truck from Berryville, Arkansas, to Chicago, and our board and expenses and all I think was about 75 dollars that trip; so adding near it, maybe a little over that.

Q Did you pay him a per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well, A, I made several trips out here a different times, to the trial, before the commission, and back, three or four times as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you remember any trips aside from the one I which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through a employed wage, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 22 dollars, one or the other, I don't remember what it was. Joe Dawson, my brother-in-law, gave me the money, it was either 21 or 22 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other and I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Libert Dawson was better off than the others, Buck Dawson.

Q Do you know how much Buck Dawson said of these expenses? A I don't think he said, he said the horse debt and the Bryan debt. I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that came up on one trip and taken some evidence with Joel Bryant and Joel Bryant was clerk of the court before this Tchee Court, I don't know what that cost him.

Q Care up he came too soon to testify? A Yes, came up I went back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.

Q He had taken the testimony before you left him or afterwards? A He taken it afterwards; that was my understanding.

Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.

Q And the expense of taking these witnesses up there? A Yes sir.

Q Who else furnished money now of the members of your family?

A My brothers and father lived down in Berryville, me and my brother-in-law, Blaasingame, we all chipped in together a few dollars from each family.

Q You heard the statement of C. O. Brought that in June 1883 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.

Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you have any witness any such as? A No sir, I paid Dr. [unclear] for his time and his time was worth 5 dollars a day, and I paid it.

Q Did you have any other witness any for that? A No sir, he was the only witness I taken down there in any case.

Q Tell the short Dawson case? A Yes sir.

Q He says that you told him this in your house there on your place, did you have any house there in June 1887? A I was not living on my farm at that time.

Q Did you have any farm? A Didn't have any.

Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1883, and I owned in my wagon.

Q What did you do? A I went to the timber and cut poles and made them out and made me a log cabin on the place by a spring near Mr. Brought.

Q About what time did you finish that house? A I finished it some later.

Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Dureka Springs after my wife.

Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.

Q Are you and C. G. Brought on good terms? A No sir.

Q What has been the character of the trouble between you? A Trouble over our places first started it.

Q When did it begin? A As soon as I got back from Arkansas he commenced kinder crowding me out to take my farm away from me, and we have been in a racket ever since.

Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.

Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.

Q Have you had law suits with each other? A Yes sir.

Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.

Q That was your last trouble with him, when I mean? A Along last fall.

Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.

Q What was the age of those boys? A Eleven years old.

Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried him to the Commissioner at Vinita.

Q He was discharged on account of his age? A Yes sir.

Q Buck Dawson is dead is not? A Yes sir.

Q How long has he been dead? A Three years, little over three years.

Q And James Dawson is dead? A Yes sir.

Q Is your father, Robert Dawson living? A No sir.

Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.

Q When did your father, Robert Dawson die? A I believe it was in '87 or I remember him, I think he was living.

Q Had all those moved to the Cherokee Nation before James' death? A No sir, father died in Arkansas.

...live in the ... the rest of ...  
... the Territory,

... ten dollars; ... I heard ...

... your family at that time.

... brother James Dawson.

... A No sir.

... At that time ...

... the James Dawson case? A No sir.

... present at the time that the James Dawson case was under ...

... the consideration of his case? A No sir.

... He never was present? A No sir, if Uncle Jim Dawson was ever ...

... conducted the prosecution of the James Dawson case before the Cherokee Citizens' Commission, he conducted it? A The James Dawson case?

... Yes sir? A I think James Lawson and Will Jackson and Campbell Taylor.

... Were you acting with them? A Yes sir.

... They employed Campbell Taylor? A Yes sir.

... Then there was no James Dawson present during that session of the Commission? A No sir.

... What was the condition of James Dawson's health at that time? A It was pretty poorly; was not good.

... Was he at that time able to get about and attend to business? A I don't think he was.

... Was he not a very feeble minded old man at that time? A Yes sir, he appeared as rather a silly man as he got? A Yes sir.

... Did he attend to any kind of business of the family at that time? A No sir, didn't.

... What was his financial condition? A Pretty bad.

... Did he have any money? A No sir.

... Did he have any property? A None hardly at all; horse probably, or a cow or two, something of that way.

... How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.

... Now then after these judgments were rendered that members of your family removed to the Territory, Cherokee Nation, I will say? A Robert Dawson and family and James Dawson and family, that is, the old man's children.



Q Robert B. can't move here? A No, I said except Robert Dawson.

Q Did all the members of Robert Dawson family move here? A Yes sir.

Q Except himself? A Yes sir.

Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.

Q She has never moved here? A No sir.

Q Well all the members of your family, your father's family included in that judgment of the committee, rendered January 11th, 1897? A All cut out.

Q What was the name of that one? A Edna.

Q A daughter? A Daughter of Robert Dawson.

Q Your sister? A Yes sir.

Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.

Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.

Q By a Commission or by the Cherokee Council? A She was first admitted by the Special Court, her and two of my nieces.

Q What are their names? A Katie Vernon and Verna Fishback.

Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.

Q That was in 1894, the Cherokee Council admitted, re-admitted to they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names now except Vernon, it is not. Tob Robinson married the widow, a niece of mine.

Q How then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two admissions in '87 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three who you have just named? A Yes sir.

Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Sighting, member of Council, got their draft or checks for the money.

Q Have you got that copy of the act of Council admitting them? A Yes sir.

Q Where is it? A (Produces papers.)

BY MR. LACKMANN: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."

This act was approved December 31, 1891.

Approval signed by Stephen Toney, Assistant Acting Principal-

In this list a poor the name of William R. Dawson for payment of \$13.70, and of Marion Dawson, for a like sum. Are these

now the names of two of your sons? A Yes sir.

(This paper above introduced, is filed and made a part of the records in this case.)

Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q Then? A In 1894.

Q What was that? A Allowing them their Strip money.

Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. MCKENNON: We now offer in evidence a duly certified copy of a report of the Cherokee National Council approved November 24, 1894, signed C. J. Morris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Dinsanguie family, as follows: Jane, Elbert, Henry, James Ross Leslie, Pearl, Aros, Lyrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of \$265.70.

Q Were these members of the Robert Dawson family? A Yes sir.

Q Which one of the members of the family? A Jane.

Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.

Q And her children? A Her children, was not admitted, she was admitted.

Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last phrase introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.

Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.

Q What was that? A That, I think it was in '84.

Q Have you got a copy of that act? A No, the record is here.

Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. MCKENNON: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Elin Douthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. MCKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children, }  
No. 181. }

Elin Douthett,  
Dallas Douthett,

vs  
The Cherokee Nation.

G. B. Taylor,  
Att'y for claim.

} Petition filed September  
14th, 1883.

were submitted by plaintiffs Sept 14th, 1883.  
 were submitted by Solicitor, Sept. 19th, 1883.  
 returned by Plaintiff Jan 23 1884 to September Court  
 1884.  
 was written September 2nd 1884, by Atty Taylor and Beavert  
 and returned to me on September 1884.

And that in the 17th day of September 1884 copies of this  
 case for trial hearing and all the evidence in the case  
 having been carefully read and considered by the Commission  
 of citizenship it has been decided by the Commission that the  
 above named John Dauter and Dallas Dauter are Cherokee  
 by blood, and that they are entitled to all the rights and  
 privileges of Cherokee citizenship in the Cherokee Nation  
 and that they should be, and are hereby admitted to the full  
 and complete enjoyment of the same in all respects, as native  
 born Cherokee.

Ii spars, Dr A.  
 John Lee,  
 Andrew Young,

John L. Adair,  
 Ch. Com'n.

Commission of citizenship.

Q No were there any other actions of the Cherokee authorities  
 of like character relating to the members of your family?

A I don't remember of any others.

Q I will ask you if when the Cherokee authorities were  
 making the roll of 1896, in compliance with the request of the  
 Dawes Commission for a roll to be prepared by them for the use of  
 the said Commission, the question of the citizenship of the  
 members of your family was not then raised and an investigation  
 had in regard to it? A Before the Dawes Commission?

Q No, before the Cherokee Commission making the roll of 1896,  
 of which John T. Guter was a member? A Yes sir, yes. I had forgot  
 it, but since you have named it there was some investigation of  
 them at that time; this is what I understood.

Q That roll shows that the members of your family were duly  
 enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal  
 to the Territory in 1837 and immediately following been recognized  
 as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee  
 citizens by blood since that time? A Yes sir.

Q You and all the members of your family are living in the Cherokee  
 Nation? A Yes sir.

Q You have all drawn Cherokee moneys whenever payments were made?  
 A Yes sir.

Q And have you all male members been voting at the Cherokee  
 elections or in the Cherokee elections? A Yes sir, I was one of  
 the judges of the elections that was held voting on the treaty.

Q What treaty? A The treaty bill that was sent back here for  
 the Cherokees to vote on; I was one of the judges at Afton.

Q In what year was that? A I believe it was last spring next till,  
 last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes  
 sir.

Q What offices have the members of your family filled? A  
 Deputy Clerk, under Pete Hastings, when he was clerk of Delaware  
 District, I was a candidate once for Council in the Downing Party.

Q Did any of these courts ever hear any one else case  
of a civilized citizen? A Only one citizen, yes sir.

Q Is that all? A (No sir).

Q Did the child ever go to school? A No sir, I don't  
know. Schools, I don't know. I don't know schools?

Q Did the members of your family ever all the while subject to the  
jurisdiction of the courts of the Cherokee Nation? A Yes sir.

Q Did they have trial for any offenses against the law? A Yes sir.

Q Did they institute their civil suits in the courts of the  
Cherokee Nation? A Yes sir.

Q Did they institute their suits in each court? A Yes sir.

Q Did any of these suits go to the Supreme Court of the  
Cherokee Nation? A Yes sir.

Q Did any of these suits go to the trial? A Yes sir.

Q Is there anything else? A Nothing, yes; I don't know; I  
don't have a headache so bad I can't hardly see.

BY MR. WATKINS:

Q How old was your father Robert Dawson when he died? A I don't  
know, I couldn't answer that.

Q He was a very old man? A Yes sir, he was getting old, very old.

Q Could you tell how old older than a than you? A No I don't know.

Q Mr. James Dawson in 1834 must have been a very old man, didn't he?  
A Well he was old and he was feeble.

Q Well you stated that he had become silly; was he naturally that  
way? A He used to live in Texas; I didn't know him until after  
he got to the Territory.

Q I say he had gotten so old, what was the occasion of that?

A I suppose so, the oldest one of these children was Mrs. Betty  
Petty, that's my understanding.

Q And the oldest boy was John Dawson? A We always called him Jack.

Q Jack Dawson he was the oldest? A Yes sir.

Q Sam was the youngest? A Sam Riley.

Q He was the youngest one of the crowd? A Yes sir.

Q Your father lived four or five years after he and you were  
admitted to citizenship? A Yes sir, something about that, it was  
in 1837, I think he died in 1837, I won't be positive; that is as  
near as I remember now. I have got a headache so bad that I can't  
remember anything.

Q He nor none of the older members of the family were ever present  
at any of these trials of citizenship? A No sir, not a one of  
them was.

Q Not a one of them was ever called upon to testify as to the blood  
of their mother, who she was or anything about it? A I don't  
think they was.

Q Your claim of kinship was through Captain John Rogers and that  
your grandmother was the half sister of Big Joe Vann, wasn't it?

A I don't know, I couldn't answer the question.

Q You were there when they took the testimony? A I was there when  
Dr. Baker's testimony was taken, that was about 16 years ago.

Q And nobody kin to the Rogers and Vann was ever called to  
testify in the case? A Not as I know of.

Q They were very well known Cherokee families in the country?  
A I suppose so, I don't know.

Q And yet nobody on any side of the family connected with it was  
ever called to testify? A Not that I know of, I don't know

what my brother done, he taken some of the evidence at Muskogee  
when I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.

Q Must have been a short time afterwards? A It was a short time afterwards. I went back after it and it was too late and I fetched him the next time.

Q You had talked to your brother and what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.

Q You had told him in general way you expected to have Dr. Baker as a witness? A Yes sir.

Q You went off, come to where you had left your brother at Tahlequah after you told him that fact? A Yes sir.

Q You didn't see your brother any more until after you were admitted? A No sir.

Q You and he however had tried to look and forth to Tahlequah and home at different times, but you didn't happen to get together? A No. I never met him any more. I don't know that he was there until after we were admitted.

Q But you were there and spoke to Dr. Baker over? A Yes sir.

Q And took his testimony a year or so after that before ever you were admitted? A I think so, well as I remember, yes sir.

Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.

Q The way he came into your case? A The way he claimed to come in.

Q He did more in your case than Bryant did? A Campbell didn't do anything.

Q What did Bryant do? A I think he helped my brother take evidence by brother employed him.

Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.

Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.

Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.

Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.

Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.

Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.

Q And your uncle James Dawson had him in the case of his children?

A Uncle James had nothing to do with it; James Low and Bill Jackson got him; that was my understanding of who employed him.

Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by his son, September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.

Q You say he was employed in the E. Dawson case? A I don't know who was in the DeWitt children's case.

Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Stewart, and testified a while ago? A That was in the James Dawson case, wasn't it?

Q That was in the E. Dawson grand-children? A Stewart?

Q No, in the DeWitt children's case? A Oh yes.



Q He was likewise attorney in the Mary Dwyon case was he, and before the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.

Q And the case likewise of Piley Dawson? A I don't know anything about those.

Q They are relations of yours? A Well I couldn't say.

Q James K. P. Dawson proved to be a son of Piley Dawson? A Well if he is he is by connection then. There are so many Dawsons I don't know them all.

Q You know Andrew J. Dawson? A Yes sir.

Q The lawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.

Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.

Q He refers in his application as being a cousin of E. Dawson, and yourself, who were admitted to citizenship by the Texas Court?

A He may be, I don't know nothing about it.

Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about these people.

Q Old man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.

Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.

Q Then he was not paralyzed? A No, I brought him over here in a hack from Berryville, Arkansas.

Q Well I say he was a very old man? A Yes, getting old.

Q Now didn't you come to this place up there joining Brodgers and work on it some time before you brought your family? A No, I brought my family with me, except my wife.

Q And you subsequently built a new house on it? A Yes sir.

Q And went back and got your wife and moved there to the new house? A Yes sir, went to Durata and got my wife.

Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.

Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Piley Dawson, and he was there.

Q In '60 sometime? A '62, I reckon, or '67. Somewhere along there, it was in time of the war.

Q How old a man was he at that time? A Pretty old man.

Q You never saw your grandmother, she died before she came?

A Yes sir, I never saw her at all.

Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.

Q I mean who first conceived the idea? A I first commenced talking about it.

Q And went down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.

Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.

Q They were getting pretty thick in there in 1830? A Well in '83 and '4 and '5 I think.

Q Been some excitement over there to get yourselves on the rolls?

A Just got to be everybody; but it wasn't at the time we were admitted there was not much stir about the rights here.

Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HARRINGTON:

Q You did locate the board with Sam Shables when you first came to Tahlequah in '81? A I think I did.

Q Your brother Wook Dawson stayed there also? A Yes sir.

Q Sam Shables lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard that but I have forgot them.

Q You don't recollect any name now? A I don't remember them now sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told us to give it to him; that is all I know about it.

Q Well the certificate there does not bearly certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel R. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never let them to know that.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and come back and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I would rather be excused for my part of it.

Q You were the man that had the most to do with it? A I never employed him, I can say that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

Q Wasn't he employed by J. H. Brown after you got your citizenship?

A Why not but the grand children.

Q J. H. Brown's petition was filed in September 1887, is that your year?

A Yes sir.

Q C. H. Taylor, attorney of ... petition? A He might have filed it for all I know.

Q Well you hadn't at that time filed it but C. H. Taylor had you? A Why no, we never did have any trouble, only over the money, he never would give it back to me or give it to Bryant.

Q You never discovered that he was such a bad man until after your judgment was rendered? A I know of no other bad man.

Q Are you and Bryant, this man, connected with the Cherokee Nation, or speaking to us? A Hardly speak.

Q Does he refuse to speak to you? A So often he does.

Q Do you refuse to speak to him? A Yes sir.

Q Have you been speaking to him for the last two or three months?

A I have not spoken to him until I got him here at the hotel the other day.

Q First time you spoke to him since he had the boy arrested? A Yes sir.

Q When did he have the boy arrested? A About in September or October, September I think.

Q When did Dr. Baker die? A I don't remember.

Q You don't remember how much older your father is than you?

A No, I don't know.

Q What is your age? A I will be 25 next.

Q Then you were born in '42? A Yes sir, '42 according to the record.

Q Was your father as much as 25 years older than you?

A I couldn't say.

Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he was 25 years old.

Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.

Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any other brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.

Q There are two girls older? A No, one of the girls I never saw.

Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.

Q Dr. Baker gives his age 73 in '82, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, that your grandmother Anna Priotti, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Priotti was the mother of seven children, the youngest being born in 1827, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know what he made such statement as that, I don't remember about it.

Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.

Q You know whether they were old or young men? A They were old men like Steve Teebe, I got acquainted with him afterwards, and Tomie Thompson, at the Council you know I was there a good deal.

- Q That was the fellow that was on the Court? A Yes sir.
- Q He was afterwards assistant Chief of the Cherokee Nation?
- A I think so.
- Q Steven Tabor, that's the man you had reference to? A Yes sir, I think it was, I just knew the name; I had no acquaintance with him.
- Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
- Q Don't you know he did? A I think he did, as well as I remember.
- Q Were not you ever there to his room? I think I was.
- Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Ter, was in January Term of 1882 I believe, it was, as well as I remember about it.
- Q Well you didn't take any more testimony after Dr. Baker testified?
- A No sir, I didn't.
- Q But your case was not submitted or passed upon for a year?
- A I think it was, yes sir, as well as I remember.
- Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Blasingame came with me when we moved here, and went back and got his family and moved that fall.
- Q Did he move his family here that same fall? A Yes sir.
- Q That year is that? A In the fall of '87 I believe it was, as well as I remember now.
- Q When did the Bulaska family come? A I think the girl and the old lady came in the next spring.
- Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her husband came back.
- Q Did she come back until after her marriage? A No, she was married when she came first.
- Q The last time? A She was married I think, she was married when she came out.
- Q How long has August Bulaska been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I don't say which.
- Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
- Q That was that? A '85.
- Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
- Q Who is Arizona Almy? A That is my daughter.
- Q Did you bring her with you? A No not when I moved.
- Q When did she come? A She came out in a year or two after I moved here.
- Q Was she married when you moved here? A No sir, she was not married.
- Q She was not married when you were admitted? A No sir, she was a child.
- Q When did Jim Lee come to this country? A With his grandfather, James Lee.
- Q What was his father's name? A Melvin Lee.
- Q Was he ever in the country? A No sir.
- Q Was he ever in the country? A No sir.
- Q Was he ever in the country? A I think he was.
- Q Was he ever in the country? A Yes sir.
- Q Was he ever in the country? A Married one of the Jacksons.

Q When did they come to this country? A Right away after they was admitted.

Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.

Q You know Oideon Graham? A Yes sir.

Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.

Q Did he come from Texas to Arkansas? A Come from Texas.

Q Did you know them in Texas? A I knew the girl.

Q You never knew them until they come to this country? A I never knew Oid.

Q When did you see him here? A I think they come here in the fall or winter of 1894 or '95.

Q He was married then? A I think he was.

Q Brought his wife? A I think he was, I don't know.

Q Did he have any children when you first saw him? A He come to my house and I never saw his family for-I don't know, for several years.

Q You understood he had a family? A Yes sir.

BY MR. MCKENNON:

Q Did you mean to say '84 or '94? A '84.

Q Did you see Oid Graham in '84? A '84, let me study, March '85.

BY MR. HASTINGS:

Q Did you see him in '85, are you positive on that proposition? A I think so.

Q Will you swear it? A No sir, I can't positive swear it, but I think it was, as I remember how it was, I couldn't say positive.

Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here - is your direct examination? A Ask me the question again.

Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.

Q They all drew money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.

Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.

Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.

Q Well I say there is nothing special about it? A No, I don't know as there is.

Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him, when I saw him.

Q Mr. Bill Ross did the examination of Dr. Baker? A Yes sir.

Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.

Q None whatever? A I don't remember any.

Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.

Q What? A Letters to my brother in Texas.

Q Buck Dawson? A Yes sir, H. Dawson.



Q What? A Yes sir, Buck Dawson.  
Q Well, is that all he did for you? A I don't remember anything about it.

Q Why didn't you get your attorney to do that letter writing? A There was not any there.

Q Taylor nor Benge was not there then? A No sir.

Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.

Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did; right have been 2 years. I don't remember.

Q Where was Duncan living then? A I couldn't say where.

Q Was he still clerk of this Court? A No sir, that when the money was paid; that is, when Camp Taylor paid he paid it.

Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.

Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.

Q How much did you give him? A One hundred dollars.

Q When? A Right at that time; he claimed it from me as soon as we got our papers; he came onto me and demanded it for Bryant.

Q You never sent him any then after that? A No sir.

Q Did you ever see Bryant after that? A Yes sir.

Q How long after that? A I don't know, a year or two afterwards, a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.

Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. MCKENNON:

Applicant's object to all that part of the witness' evidence in response to interrogatories by your representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. MCKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tabor and Thompson.

Q Are you positive of that fact? A Yes sir.

Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?

Q Andrew J. Dawson, who claimed to be from Missouri? A How was the question?

Q You do not know then do you? A I don't know that they are any kin to us.

Q You don't know that they are related to you at all? A No sir.

Q This Mary Dawson case, do you know the members of that family?

A No sir, I don't.

Q Don't know who they are? A No sir.

Q The Rebecca Dawson case? A I don't know her either.

Q You don't know whether they are related to you or not? A No sir.

Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joanna Barber, do you know anything about them? A They claim to be kin to us.

Q Where are they from? A They are from Texas.

Q Do you know they are related to you? A They claim to be kin.

BY MR. HASTINGS:

Q Were you sworn for them before the Commission? A Yes, they claim to be kinfolks of mine.

BY MR. MCKENNON:

Q Irene J. House, who is that? A That is a cousin of mine; claims to be.

BY MR. HASTINGS:

Q You testified for her didn't you before the Commission? A I think I did as well as I remember.

BY MR. MCKENNON:

Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.

Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.

Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You don't remember their names? A Which?

Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about James J. Dawson, was citizens of the Cherokee Nation.

Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.

Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he lied by folks before he ever come here.

Q Was he older than Dr. Baker? A About the same age.

Q Why didn't you get Oliver Miller's testimony in the House case?

Q He was dead.

Q You and no member of your family in the Irene House case or the Joanna Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever made reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you?

A I don't remember about that.

Q You did make reference to the fact that Dr. Baker testified there in '85, didn't you? A I don't remember about that now.

Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.

BY MR. MCKENNON:

Q Now just one other question: All of these names in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, and how or recalled here they not? A I know they are, I don't know, I never saw them.

Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY MR. MCKENNON: This case is continued until 9:30 a.m., tomorrow morning, March 23rd, 1909, at New Orleans the hour for adjournment.

MARCH 23, 1909, - 8:30 A. M. J. J. DAWSON reads on the stand testimony as follows:  
BY MR. MCKENNON:

Q Where was your brother with Dawson raised? A In Arkansas.

Q What county? A Carroll.  
Q Did you know him?  
Q Did Dr. Riley live in Rexville? A Yes sir.  
Q Was your brother interested in him?  
A Yes sir.

Q Did he live long enough to be a doctor?  
A Yes sir.

Q Do you know Josephine Pierce? A Yes sir.

Q Where was she? A Poplar Bluff.

Q Is she the same identical woman who is called Josie Pierce,  
and Josie Dawson? A Yes sir.

Q Is there any other Josie Pierce or Josie Dawson or Josie  
Pierce or Josephine Dawson? A I don't know but to one.

Q She was also called Josephine or Josie Keith? A Yes, after she  
married her first husband was Pierce.

Q And her second husband? A Was Kelly.

Q There was another Josephine Dawson wasn't there, Bullock's wife?

A Yes they called her Joe, I suppose that's her name, I don't  
not be positive; that was Pile Dawson's wife, August Bullock's  
wife.

Q She is much younger than your sister, Josephine, above referred  
to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.

Q You know how old you are? A 42.

Q 42? A I think so.

Q How many older children were there of your father's besides  
yourself? A Three.

Q Which were they? A F. Dawson, Peter Dawson and Jasper Dawson.

Q You are the fourth child of the fourth boy? A Yes sir, fourth  
boy.

Q Where were your father and mother married, do you know, from  
family history? A I think it was in Arkansas, I couldn't be positive,  
I think they was.

Q Do you know how long your father had lived in Arkansas? A No  
sir I don't.

Q Don't know what year he came to Arkansas? A Only from statement.

Q Well what did they say about it? A I think they came there  
some time in '30.

Q You know whether your father was born in Arkansas? No, many  
of your grandfather's children were born there? A There was none  
of them born in Arkansas according to history and according to what  
he always told me, they were born in Tennessee.

Q He came there in '30, and all the other children were born on  
the Kiwassa River in Tennessee, before he ever came? A That is  
what I think, yes sir. Now I am not positive about that.

They were from Tennessee, but either Dr. Riley lived there or my  
folks came from there; I don't know as I remember that I ever heard  
my father say where he was born at.

Q In Tennessee somewhere; he said he was a good big boy when he  
came to Arkansas? A I don't know as I ever heard him say.

Q Do you know the difference in the ages of yourself and your  
three older brothers? A No I don't.

Q Don't know the time that comes in between you? A No I don't  
know that; I think it is about two years though.

Q That would make E. Dawson about eight years older than you,  
probably? A Yes sir.

Q Did you see her at that time? A Yes sir.  
 Q That is the child of the marriage of John and Mary Pierce?  
 A Yes sir.

BY MR. HAYDEN:  
 Q Where did you see John Pierce? A Near Afton.  
 Q Then? A In that state.  
 Q About what time? A You have got a copy of the marriage license.  
 Q When did the marriage license come to the Cherokee Nation? A '87.  
 Q Has she been here continuously since that time? A Up until her  
 death; she died.  
 Q Any other children born with her at that time? A Yes sir.  
 Q And she has been here continuously since that time? A Yes  
 sir, except that once, he went to Colorado and died.

J. C. STARR, first duly sworn and being examined,  
 testified as follows:  
 BY MR. HAYDEN:

Q Your name is J. C. Starr is it? A Yes sir.  
 Q Mr. Starr, was that instrument taken by you, or before you?  
 (Showing the said document.)  
 A Yes sir.  
 Q Where? A At the residence of S. H. Bengel near Fort Gibson.  
 Q When? A On the 15th day of this month.  
 Q That day of the week was that? A On Saturday.  
 Q Is that the day it was taken? A Yes sir.  
 Q Did you go there on Saturday to take this? A Yes sir.  
 Q Then when Judge Bengel stated on Tuesday that it was taken  
 "yesterday" meaning Monday, the 17th, he was mistaken, was he?  
 A It was taken Saturday, the 15th.  
 Q Was he mistaken or not? A It was not taken then.  
 Q Then his statement made on Tuesday the 18th that it was taken on  
 "yesterday", meaning Monday, the 17th, was not correct, was it?  
 A I think not, because I was there, and it was taken on the 15th.  
 Q And it was taken on the 15th, you are positive it was taken on  
 the 15th? A Yes sir.

Q Then of course your statement could not be correct? A I guess not.  
 BY MR. HAYDEN:  
 Q He was just mistaken about the date, wasn't he? A Yes sir.  
 BY MR. HAYDEN:  
 Q Did you tell Charles H. Moore who is now present, on last Tuesday  
 that they were to go there on Monday to take that? A No sir.  
 BY MR. HAYDEN:  
 Q I sent you there on Saturday? A Yes sir.  
 Q And you went there in my direction, didn't you? A Yes sir, and  
 come back that night.

ROBERT L. DAWSON, first duly sworn, and being examined,  
 testified as follows:  
 BY MR. HAYDEN:

Q That is your name? A My name is Robert L. Dawson.  
 Q That is your age? A My age is something close to 30 years old,  
 I am 29 past.

Q Are you a son of S. H. Benge? A Yes sir.  
 Q I will ask you if you will... enclosure and state... of your father after... examines it) Yes... father. He always... then I saw this letter.

Q Has that been in your... sir, is that the letter...  
 Q Well that's what... (Witness further... from Samuel H. Benge... (Here applicants... to attorneys for the...)

BY MR. MCKENNON... this case: it is a... law, dated Fort Gibson, D. K.,... Mr. E. Dawson, Esq., to attend... enclosed, with the card of C. H. Taylor... Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS. The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BERGE, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:  
 Q What is your name? A G. W. Benge.  
 Q Are you a son of Samuel H. Benge? A Yes sir.  
 Q Do you know his handwriting? A I believe so.  
 Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.  
 Q To the best of your knowledge and belief is that his letter?  
 A Yes sir.

BY MR. MCKENNON: Now we offer it in evidence.  
 BY COMMISSIONER: (to the letter)  
 Fort Gibson, D. K.,  
 Jan. 13th, 1883.

Mr. E. Dawson, Esq.,  
 Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract made it to Fort Gibson, Cherokee Nation.

Respectfully yours,  
 S. H. Benge,  
 Attorney at law."

Enclosed in envelope, as follows:  
 Card in upper corner, left hand:  
 "Return in ten days to C. H. Taylor,  
 Attorney at law,  
 Tahlequah, Ind. Ter."  
 Addressed: "Mr. E. Dawson,



Henryetta,  
Clay Co., Texas."

Post-marked: "Tableman, Jan 17 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. MCKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Bengé letter? A Yes sir.

BY MR. MCKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.

I. T., M. E. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him \$20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him \$100- and that you had offered him a check on some bank in Texas.

That \$100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,

Very truly,

J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A We, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked his his age; of course I guess by other know.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. MCKENNON:

Q What is your name? A Gid Graham.

- Q How old are you? A Mr. Graham? A I am 35 years old.
- Q How long have you been living in the Territory? A I came out here in 1887 or '88.
- Q To the Cherokee Nation? A Yes sir.
- Q How long have you been living in the Cherokee Nation, what year was that '87 or '88? A Yes sir.
- Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
- Q How long did you live in the Cherokee Nation? A About 6 years.
- Q Where did you go then? A Wagoner.
- Q In the Creek Nation? A Yes sir.
- Q And been residing there ever since? A Yes sir.
- Q In business? A Yes sir.
- Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir.
- Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
- Q Did you have a conversation with him in Fort Gibson about September or 1890? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Callisaw, or possibly a little later, somewhere about there.
- Q Taking the census of the Cherokees? A Yes sir.
- Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
- Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
- Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

- Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
- Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
- Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I right want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
- Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
- Q Your mother was Missouri Dawson was not she? A Yes sir.
- Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
- Q And was not Missouri Dawson as named in that judgment? A Yes sir.
- Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
- Q Ella Dawson was your aunt? A Yes sir.
- Q Was she married at that time? In 1885? A Yes sir.
- Q Melvina Dawson, was she married at that time? A Yes sir.
- Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.



BY MR. HASTINGS:

Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.

Q You went to Captain Henge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.

Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.

Q And you went with Aaron Butler to see Jir Smith, attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.

Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.

BY MR. MCKENNON:

Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. MCKENNON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be exact as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.

Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. HUTCHINGS:

Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.

Q Who was W. A. Dawson? A That is Wilburn, my uncle.

Q Was he here? A I don't know sir.

Q You were not here any of the time? A No sir.

Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I know him well.

Q He didn't die for a year or two after that did he? A After whom, Mr. Hutchings?

Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.

Q Very old man when he died? A Yes sir.

BY MR. MCKENNON:

Q About what age? A He was approximately 80 years old.

BY MR. HUTCHINGS:

Q When he died? A Yes sir.

BY MR. HASTINGS:

Q That about 1891? A I think so, yes sir.

BY MR. MCKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q Your name is James R. Dawson? A Yes sir.

Q Where do you live? A Acton, Indian Territory.

Q What is your age? A 45.

Q You are a physician are you not? A Yes sir.

Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.

Q Do you know what his age was at that time? A No sir, I do not, only approximately.

Q State as nearly as you can? A At the time of the admission?

Q Yes sir? A About 70, I don't know exactly.

Q How old was he when he died? A I would suppose he was about 78.

Q What was your age in 1884? A I am 45.

Q What year were you born, Doctor? A I was born in '55.

Q Must have been '55? A Yes sir, that's right.

Q What was your age then? A In '84?

Q Yes sir? A About 28.

Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.

Q You were present during your father's case? A I was there at the time.

Q When was that? A The dates I disremember; when the case first came up, I disremember the exact date.

Q How long were you there? A I was there about a week.

Q Was that when it first came up you say? A Yes sir.

Q Nothing was done? A No sir.

BY MR. HUTCHINGS:

Q You never saw Dr. Baker? A Yes sir.

Q Did he and your uncle Jimmie use to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk.

Q Yes? A I never saw them together.

Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.

Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.

Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.

Q He was near about 70 then? A I couldn't tell you, he was an old looking man.

Q Your uncle Jimmie was about 70? A Yes sir.



TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tahlequah, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Bengé, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Bengé's place to take his affidavit on Saturday, March 16, in the W. H. and J. V. Shoemake case, and the descendants. I had heard that Mr. Bengé knew some important facts in connection with the Shoemake case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemake case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Bengé knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. MCKENNON:

- Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.
- Q He therefore did it simply upon your persuasion? A Yes sir.
- Q You knew he had been acting as attorney for these parties?
- A Yes sir, I had seen from the record that he did too.
- Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

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.

I, Arthur G. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

*Arthur G. Evans*

Subscribed and sworn to before me this 18th day of December, 1902.

*B. A. Jones*  
Notary Public.

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

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of,

Francis M. Dawson et al	Cherokee	D.	384
John Dawson,	"	D	580
William R. Dawson,	"	D	581
Andrew C. Atkins, et al	"	D	584
Francis M. Dawson, Jr.	"	D	588
Arizona Allred, et al	"	D	835
Samuel R. Dawson, et al	"	D	350
Robert Dawson,	"	D	352
Albert H. Dawson, et al	"	D	358
August Sulawsky, et al	"	D	386
John W. Dawson, et al	"	D	482
Katie Newman	"	B	402
John Dawson, et al	"	D	578
Thomas P. Dawson, et al	"	D	360
Orle H. Dawson, et al	"	D	530
Robert Pierce, et al	"	D	408
William Pierce,	"	D	409
Charles E. Pierce,	"	D	451
Oma Gray, et al	"	D	471
Effie Pierce,	"	D	472
John S. Bogle, et al	"	D	479
Joseph H. Dawson, et al	"	D	364
Vilbora Dawson,	"	D	475
Charles T. Moore, et al	"	D	518
James R. Dawson, et al	"	D	526
Henry A. Blasingame, et al	"	D	833
Albert L. Blasingame, et al	"	D	833
James H. Blasingame, et al	"	D	834
Martin W. Patterson, et al	"	D	456
William C. Dawson, et al	"	D	604
Robert L. Dawson,	"	D	605
Elbert H. Dawson, et al	"	D	608
Richard W. Dawson, et al	"	D	617
Ella L. Spickerman, et al	"	D	626
Francis M. Dawson,	"	D	627
Sarah J. Dawson,	"	D	608
John W. Graham, et al	"	D	83
Widow Graham, et al	"	D	83
Mathew H. Painter, et al	"	D	836
Charles F. Graham, et al	"	D	1124
Joe E. Graham, et al	"	D	1125
John F. Graham, et al	"	D	1124
Joe Miller,	"	D	1127
James H. Graham, et al	"	D	1128
Wesley W. Graham, et al	"	D	306
James H. Graham, et al	"	D	306
Wesley W. Graham, et al	"	D	306
William B. Graham, et al	"	D	307
James Love, et al	"	D	308
Wesley W. Graham,	"	D	308

Texanna Woolley, et al.,	Cherokee	D	406
Henry T. Richardson, et al.,	"	D	715
Etta Brauer,	"	R	12
Holloman A. Dutton,	"	R	13
Alonzo H. Fishback, et al.,	"	D	343
Hiram F. Weddle, et al.,	"	D	521
William D. Douthitt,	"	D	582
Florence Morgan, et al.,	"	D	737
John E. Fishback,	"	D	845
George A. Mabry, et al.,	"	D	879

DECISION.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 324 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob L., Ruth A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William R. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew G. Atkins, at Nowata, Indian Territory, on October 18, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his minor children, Arthur, Edna E., Edward G. and George J. P. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902.

D 588 By Francis M. Dawson, Jr., son of Francis M. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 18, 1900, for the enrollment of himself as a citizen by blood.



D 335 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 13, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Mariee J. Dawson as citizens by blood.

D 530 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 408 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471  
D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1902, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, Nora, Walter, Clara, Ora and James S. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Dana E. a sixth child of the applicant.

- D 586 By James H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Anoil F. Dawson, a fourth child of the applicant.
- D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.
- D 833 By Albert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.
- D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.
- D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.
- D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 10, 1902.
- D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.
- D 608 By Albert B. Dawson, at Nowata, Indian Territory, on October 11, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 10, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child, Ida E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 621 By Ella L. Spickerran, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerran, as citizens by blood, and for the enrollment of her husband, John J. Spickerran as a citizen by intermarriage. John J. Spickerran is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerran, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 25 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Terra V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 10, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Grace E. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.

D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddle and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 27, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 503 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 930 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 839 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe as citizens by blood.



- D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.
- D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Walburn E. Woolley, a second child of the applicant.
- D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.
- D 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.
- R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.
- D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris C. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.
- D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.
- D 343 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.
- D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Glide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 845 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 979 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. L. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on citizenship, commonly known as the "Teenee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, V. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1888, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1888 and 1894, James Dawson on the pay rolls of 1883 and 1884, Rial Dawson on the pay rolls of 1888 and 1894, Josephine Dawson on the pay roll of 1888, Jane Dawson on the pay roll of 1883, Joseph Dawson on the pay roll of 1883, 1888 and 1894, Ella Dawson and V. A. Dawson on the pay rolls of 1883, 1888 and 1894.

Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 333, D 531, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payment roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee 1894-95 license

and in accordance with the laws of the Cherokee Nation on March 29, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Len Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, section 21, of the Act of Congress approved June 28, 1898 (30 Stat., 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."

The evidence further shows that Francis M. Dawson, his wife, Katie and William M. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1881, and that John B. Lee has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the said children of the above named Francis M. Dawson, and of the said Katie Dawson, with whom they are located,

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 358, D 365, D 482 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Cathrine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bulawsky, formerly Josephine Dawson; John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1883, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and heretofore stated, are the issue of that marriage.



four older children are identified on the Cherokee Census roll of 1896, and the Strip payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Hannie Dawson, nee Baugher, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1896, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Hamie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Therms P. Dawson and Orle H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marice J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Willie York, and Burr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Lyrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Oma Gray was married to John B. Gray on April 7, 1898, and Cecil and Walton Gray are the issue of that marriage. Oma Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Oma Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases number d D 364, D 475 and D 526.

Joseph E. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her marriage and is entitled to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson, the applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two youngest children are identified by birth affidavits on file with this Commission.

William Dawson is identified as the person who that was admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Mollie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Mollie Moore, formerly Dawson, is identified as the Mollie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Lollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the



issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claimants through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strick request roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strick request roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. F. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizenship

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1836, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tempa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1894.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis K. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert E. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1868, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. James M. and Robert E. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

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Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in some prior to her admission to



citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harman, formerly Jackson, Lizzie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harman, Lizzie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harman was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harman and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Miss Jackson said the minor children included in her application had her name on them, and identified on the Cherokee Census roll of 1896, and that they only such rights as they have possessed by the said William Jackson. The authority of the Commission is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case number D 839.

The evidence shows that James Love is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Love was over 21 years old. There is no evidence that the said James Love was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Love was married on June 12, 1887, to Nellie Knight, a white woman, and the four minor children included in his application and heretofore named, are the issue of that marriage. James Love and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 20, 1906 (34 Stat., 405), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Della F. Richardson is the child of the applicant by his first wife, Sellar. Fina T. Richardson and Jasper C. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Bess Flournoy are the children of his said wife Kitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Delia T. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1893 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 28, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Woolley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1896, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: Emma T. Weddle, et al D 521; William D. Dornitt, D 523; Alamo H. Finney, D 543; Florence Morgan, et al D 555; John H. Haddock, D 565 and George M. Hedy, et al D 579. The groups above mentioned are

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 13, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 13, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William B. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 13, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1891, to Lav rna A. Dawson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Lav rna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Kitty Richardson as a member of her family. Eliza and Alice A. Morgan are her children by her said husband. The said Eliza and Alice A. Morgan are her children by her said husband. The said Eliza and Alice A. Morgan are her children by her said husband.



identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Dawson and his family was vitiated by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. P. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that G. H. Taylor would look after Dawson's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Arkansas, and made arrangements with his uncle Samuel A. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1885, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. B. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no additional

1.  
evidence introduced and no arguments made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars he testified was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. H. Deuge, C. H. Taylor, Thomas H. Babbert, J. L. Clinkenbeard, James W. Lewis, C. G. Braught and David Meredith.

S. H. Deuge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1881 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of error on that page. It is not an unusual thing for a Court to change its judgment, and a Court, if it is a fact, is not in itself any evidence of fraud.

Thomas B. Clabert testifies that one James Dawson, a man of forty or fifty years of age; in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation came to the witness in Tablequah the evening of January 10, 1885, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tablequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testi-



mony before the Commission. It is clear that Dr. Baker was the only witness in the case. James stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. P. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McAnnon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Braught also testifies that he was an applicant for citizenship about 1861 or 1862, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1888, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Techee Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Such evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teehee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1863, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1863; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1863, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to get advice & judgment as to the same. It was their duty to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis H. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis H. Dawson, Jr., son of Francis H. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Kate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III.) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings E. Dawson, James U. Dawson, Vergal C. Dawson, Thomas F. Dawson, Marice J. Dawson, Orle H. Dawson, Burr E. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Cnn Gray, Cecil Gray, Volten Gray, Berrie Allen (formerly

Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna W. Bogle,  
John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson,  
Elmer A. Dawson, Cleo Dawson, Rurus T. Dawson, Wilborn Dawson,  
Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C.  
Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora  
Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Elbert L.  
Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander  
Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson,  
Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson,  
Virgil V. Patterson, William C. Dawson, Robert E. Dawson,  
Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E.  
Dawson, Ella L. Spickerman, Hellen J. Spickerman, William  
Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham,  
Gideon Graham, John W. Graham, Julius E. Graham, Francis W.  
Graham, Mary E. Graham, Jesse E. Graham, Gracie H. Graham,  
Florence H. Graham, Laverna A. Painter, Ada R. Painter, Eva P.  
Painter, John W. Painter, Ray D. Painter, Roberta A. Painter,  
Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude  
Bradshaw, Joe E. Graham, William C. Graham, John F. Graham,  
Edna K. Graham, Robert Lee Graham, Joe Willie Neal, James M.  
Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd  
Graham,

(Group X) Ella Jackson, Flora Harmon, Lillie E. Harmon, Claud Harmon



Twight Harmon, William D. Harmon, Tosnie A. Jackson, Fannie  
Lenox, Birtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,  
Mitty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flour-  
noy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna  
Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia E.  
Richardson, Etta Iraker,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle,  
Roy Weddle, William D. Douthitt, Laverne A. Fishback, William A.  
Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan,  
Alice A. Morgan, John B. Fishback, Edna Mabry, Roby Mabry, and  
Stanley Mabry,

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, 1908 (30 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulavsky,  
Hannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Bellie Pierce, John S. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson,  
nee Jones,

(Group IX) John V. Graham, Elizabeth Graham, Mathew A. Frazier,  
Charles T. Bradshaw, Bessie Graham,

(Group X) James H. Harmon, William C. Lenox,

(Group XI) Millie T. Dawson, Henry T. Richardson, Malinda A. Dawson

(Group XII) Hiram B. Weddle and Abner B. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis M. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 975), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 558) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Lizzie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TALE BERRY,  
Acting Chairman.

(Signed) T. B. HARRIS,  
Commissioner.

Dated at Muskogee, Ind. Ter.,  
this Dec. 23, 1902.

(Signed) C. E. HARRIS,  
Commissioner.

COPY.

Cherokee D-324—

Muskogee, Indian Territory, January 24, 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 December 23, 1902, granting the application for the enrollment of Francis H. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis H. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Mattie Newman, John Dawson, Robert E. Dawson, Iola H. Dawson, Lemuel H. Dawson, Rosa E. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Coale, James E. Bogle, Edna F. Bogle, John E. Bogle, Marvin R. Bogle.

Paul Cole, Nancy Edith Cole, Joseph E. Dawson, Clarence E.  
Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T.  
Dawson, Wilburn Dawson, Edgar Dawson, James R. Dawson, Winnie  
Dawson, Ernest T. Dawson, Edwin C. Dawson, Ancil F. Dawson, Nellie  
Dawson, Vera Moore, Walter Moore, Clara Moore, Ora Moore, James  
Moore, Edna E. Moore, Henry A. Blasingame, Winnie C. Blasingame,  
Albert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame,  
Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace E. Blasingame,  
Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A.  
Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil J. Patter-  
son, William C. Dawson, Robert T. Dawson, Elbert L. Dawson, Ralph  
Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen  
J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V.  
Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E.  
Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie L.  
Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva  
P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy  
W. Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw,  
Joe E. Graham, William C. Graham, John F. Graham, Edna L. Graham,  
Robert Lee Graham, Joe Willie Deal, James M. Graham, Marion Graham,  
Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora  
Harmon, Lillie K. Harmon, Claud Harmon, Dwight Harmon, William D.  
Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle  
Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

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Mattie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Ann T. Richardson, Jasper C. Richardson, Delia T. Richardson, Otto Brauer, Lula Pearl Weddle, Curtis Weddle, Morris A. Weddle, L. A. Weddle, William D. Douthitt, Laverna A. Fishback, Willia A. Fishback, Annie B. Fishback, Florence Morgan, Clie Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Robt Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catie Dawson, Sarah F. Dawson, August Bulansky, Fannie Dawson, Sarah Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.



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,

(Signed) TAMS HIXBY,

Acting Chairman.

Enc. M-130.

COPY.

Cherokee D-324--

Waukagee, Indian Territory, February 10, 1903.

A. C. McKenna,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Kate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert E. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles L. Dawson, Lattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Durr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna B. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

... Council J. Dawson, Elmer A. Dawson, Clee Dawson, ...  
... Willorn Dawson, Edgar Dawson, James B. Dawson, ...  
... Erline C. Dawson, Edwin C. Dawson, Ancil F. Dawson, ...  
... Nora Moore, Walter Moore, Clara Moore, Ora Moore, ...  
... Edna E. Moore, Henry A. Blasingame, ...  
... lbert L. Blasingame, Ellis W. Blasingame, Earl B. Blasingame,  
Alexander Blasingame, Jr., Elmer H. Blasingame, James B. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace E. Blasingame,  
Zona Patterson, Sarah A. Patterson, Martha A. Patterson, ...  
Patterson, Edgar C. Patterson, Thomas M. Patterson, Vergil W. Patterson,  
William C. Dawson, Robert L. Dawson, Albert L. Dawson, Ralph E.  
Dawson, Richard W. Dawson, Ina E. Dawson, Ella E. Spickerman, Helen  
E. Spickerman, William Glenn Spickerman, Missouri Graham, Teresa W.  
Graham, Robert S. Graham, Weldon Graham, John W. Graham, Julius E.  
Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie  
M. Graham, Florence M. Graham, Laverna A. Painter, Ada E. Painter,  
Eva P. Painter, John W. Painter, Ray P. Painter, Roberta A. Painter,  
Roy W. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Brad-  
shaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Gra-  
ham, Robert Lee Graham, Joe Willie Neal, James H. Graham, Marion  
Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson,  
Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William  
D. Harmon, Toshie A. Jackson, Fannie Lenox, Mirtie E. Lenox, Myrtle  
Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie  
Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Minis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie P. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Patie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah T. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Elasingame, Mary A. Elasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record proceedings had in this case.

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 both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be 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.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BLISSY,

Acting Chairman.

Enc. M-45.

Register.



574  
CONF.

Brook 2-324.

Washington, Indian Territory, January 1, 1903.

Secretary of the Interior.

There is herewith transmitted the record of proceedings  
and the consolidated case of Francis M. Dawson et al., et al.,  
for enrollment as citizens of the Cherokee Nation, including  
the Commission's decision, dated December 25, 1902, granting  
said application as to Francis M. Dawson, Lula Dawson, Ray  
Dawson, Jessie J. Dawson, Jacob I. Dawson, Hattie A. Dawson, Laura  
A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur  
Atkins, Edna E. Atkins, Edward C. Atkins, George J. E. Atkins,  
Francis M. Dawson Jr., Samuel E. Dawson, August Dawson, Mate  
Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford  
Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie  
Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W.  
Dawson, Mattie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson,  
Samuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J.  
Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson,  
Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson,  
Charles M. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles  
E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J.  
Boyle, James E. Dogle, Edna E. Dogle, John H. Dogle, Marvin E. Bo

578  
COPY.

Form 1-3-14.

Cherokee, Indian Territory, March 1, 1903.

Companion

The Secretary of the Interior.

There is herewith transmitted the record of proceedings in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob I. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. E. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Dezman, John Dawson, Robert B. Dawson, Iola M. Dawson, Samuel H. Dawson, Rosa B. Dawson, Charles P. Dawson, Hattie J. Dawson, Jennings B. Dawson, James J. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James M. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles M. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna B. Bogle, John H. Bogle, Marvin E. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph P. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Lora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse I. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Sve P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Jeal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Tommie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley.

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Fannie T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Drauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Pulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Iogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Farmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham.

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) TAMS BILEY,  
Chairman.

Enc. M-135.

Through the  
Commissioner of Indian Affairs.



COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 26, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, 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 matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

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

Respectfully,  
(Signed) TAVIS DIBBY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McFennon,

Attorney for Francis H. Dawson, et al.,  
Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis H. Dawson, et al., for enrollment as citizens of the Cherokee Nation, 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,

Chairman.

Cherokee D-518.

Wankarem, Indian Territory, February 25, 1903.

Charles T. Moore,  
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your wife, Mollie Moore, and your six minor children, Mora, Walter, Clara, Ora, James W. and Edna Edith Moore, as citizens by blood, of the Cherokee Nation.

There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, 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 both your attorney and the principal 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,

Enc. H-25.  
Register.

*James H. ...*  
Acting Chairman.

Refer in reply to  
the following:  
LAND  
13855-1903.

COPY.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, October 16, 1903.

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP VI.

The Honorable,  
The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting the Commission's report of February 25, 1903 and Group 1 of the record relative to the application of Francis M. Dawson, et al., applicants for enrollment as citizens of the Cherokee Nation, there is enclosed herewith record relative to the applicants involved in Group VI.

D. 518, Group VI. page 1.

Charles T. Moore applies for the enrollment of himself as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife, Mollie, and their five minor children, Nora, Walter, Clara, Ora and James W. Moore, as citizens by blood. He also applies for the enrollment of his minor child, Mina E. Moore, who was born subsequent to the date of his application. She is identified by a birth affidavit.

January 17, 1887, Charles T. Moore was married to Mollie Dawson, a citizen of the Cherokee Nation, in accordance with the laws of the Nation. Mollie Dawson was admitted to citizenship by the Tennes Court January 11, 1883. Charles T. Moore, his wife and their oldest child, have resided in the Cherokee Nation since 1883a. The other children have resided there since their respective births. Charles T. Moore, his wife, Mollie, and their children, Nora, Walter, Clara and Ora Moore, are identified by the 1896 census rolls. Mollie Moore's name appears on the 1886 pay-roll of the Cherokee Nation. Opposite her name appears the following "formerly a Dawson." Nora Moore's name appears on this roll. Charles T. Moore is identified by the 1890 pay-roll as "Charley Moore--an adopted white." The name Mary Moore also appears on this roll, as does Nora, Walter and Hugh-- "in the same family." The record also shows that the following names appear on the 1894 pay-roll of the Cherokee Nation--Mary Moore, Nora Moore, Walter Moore and Carrie Moore. The principal applicant was asked whether he had a child named Carrie Moore, to which he replied "Yes sir." James W. Moore and Edna E. Moore are properly identified by birth affidavits.

The Commission in its decision of December 23, 1902, held that all the applicants to this Group were entitled to enrollment as citizens of the Cherokee Nation--Charles Moore as an intermarried citizen and the other applicants as citizens by blood.

In connection with this Group, attention is respectfully invited to office report of even date transmitting Group 1., and for the

-3-

reasons therein set forth the approval of the Commission's decision, except in so far as it relates to the enrollment of Charles T. Moore as a citizen by intermarriage, is recommended.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

C.A.W.-L.C.



(COPY)

I. T. D. 7442-1003.

JW VCP SVP.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY GENERAL.

WASHINGTON, February 18, 1904.

The Secretary of the Interior.

Sir:

I am in receipt, by reference of December 29, 1903, of the report, October 16, 1903, of the Commissioner of Indian Affairs, transmitting the proceedings of the Commission to the Five Civilized Tribes upon the application of Francis M. Dawson and others (250 persons) for enrollment as citizens by blood of the Cherokee Nation, with request for my opinion----

as to the powers and duties of the Commission and the Department in cases of this class, that is, where persons have been admitted to Cherokee citizenship by tribal acts and decrees, where fraud is alleged.

If, in your opinion, the Department has the authority to investigate cases of this kind, it desires to be advised:

1. What character of evidence is sufficient to warrant such investigations?
2. If proper evidence of fraud exists, should applicants be rejected or allowed a rehearing to show, if possible, other and lawful grounds for enrollment?
3. In this, the Dawson case, what action should now be taken by reason of the alleged fraud?

Part of the applicants claim under judgments of the Cherokee Citizenship Court of January 11, and September 14, 1893, admitting them or their ancestors to citizenship, and others claim, as stated by the letter of reference, under act of the National Council, approved December 1, 1894, granting such admission. Counsel for the Nation oppose enrollment of those claiming under

the judgments, on the ground that they were procured, as it is claimed, by bribery of the clerk of the court and by perjured testimony.

The ground of objection to enrollment of those claiming under the act of the Council does not appear to be discussed in the briefs submitted in the cases based upon judgments of the citizenship court, which are transmitted with the papers.

The Commission admitted the applicants to enrollment, and states the ground of its decision, that:

It is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 98 U.S. page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed. Only such facts therefore are considered by this Commission as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

The duties of the Commission as to persons (not freedmen) claiming enrollment are defined by the first paragraph of section 21 of the act of June 28, 1898 (30 Stat., 495) 502), which directed the Commission to enroll all Cherokees (except freedmen) found on the roll of 1850 and descendants afterward born to them, 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; 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.

As the principal applicants here claim by enrollment after 1880, their cases must be determined under the provision above quoted. The principal applicants were admitted and enrolled by tribal authority, made permanent settlement in the nation, and have ever since resided there. The question is, whether the Commission may investigate as to the fact of the Cherokee blood of the principals admitted by judgments of the Citizenship Court, and upon a charge that the judgments were fraudulently procured.

It appears that a citizenship court or Commission was established in the Cherokee Nation which, January 11, 1883, on an application duly filed in the court, and after taking and considering evidence, adjudged that Robert Dawson, F. M. Dawson and others named--

are Cherokees 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 they are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Other applicants related to those thus admitted were admitted, September 14, 1883, by a similar decree and similar Commission, constituted of different persons. These decrees were duly recorded in the records of these tribunals, and no appellate or original proceeding was ever taken to reverse, modify, or vacate them. The parties so admitted were then living in the nation or soon after removed there, and have ever since resided therein, identifying themselves with the Indian community and co-operating

to its development and progress. They have built homes, improved lands, accumulated property, have always been recognized as Cherokees, been chosen to office, participated in the conduct of national affairs, been borne on its various rolls, participated in distribution of public moneys, and for twenty years have been in fact recognized as Cherokee citizens. When they apply for enrollment by the Commission to the Five Civilized Tribes they are met by the objection that they have in fact no Cherokee blood; that the testimony upon which the original decree was rendered (the witness being now dead) was perjured; that the first petitioner (now dead) corrupted the court (two of whom are now dead), and the present applicants, none or few of whom are charged with wrong-doing, must give up their lands and homes to those who have not improved, cultivated or built them, lost the nationality to which many of them have been born, and all are loyal, and seek elsewhere a new nationality, establish new homes, and work out a new heritage.

Assuming for the moment that the charge were fully proven, the result contended for does not, in my opinion, follow: It is said by Freeman on Judgments, section 435, 4th edition, that "the defendant in an action upon a judgment is never permitted to show that it was procured by perjury," citing *Demerritt v Lyford* (27 N.H. 541), and *Cottle v Cole* (20 Ia., 481). The same author says, section 503, that "equity will not relieve (against a judgment) on the ground of the absence of a witness who with diligence could have been procured, nor on the ground that a witness was guilty of perjury, nor because the suitor was absent from court, for it is his business to be there," citing *Cott v Carr*, 6 Gill & J.

(Md), 309, and Dilly v Bernard, 8 Gill & J., 171. Again, section 289, the author says:

The settled policy of the law forbidding that a matter once adjudicated shall be again drawn in issue while the former adjudication remains in force does not permit the prosecution of an action for obtaining a judgment by false and fraudulent practices, or by false and forged evidence. Neither can a party against whom judgment has been recovered sustain an action against his adversary for the witnesses for damages occasioned by their conspiring together and procuring a judgment by fraud or perjury as long as the judgment remains in force and unreversed; (citing)

Hillsborough v Nichols, 46 N.H. 379; Engstrom v Sherburne, 137 Mass. 153; Note 265, by C.H. & E., to Phillips on Evidence; Dunlap v Glidden; 31 Me. 436; 52 Am. Dec. 626, . . . Cunningham v Brown, 28 Vt. 123; 16 Am. Dec. 140; Smith v Lewis, 3 Johns. 157; 3 Am. Dec. 459.

The general rule is that judgments of every tribunal having jurisdiction, while remaining in force and not reversed or vacated, are conclusive upon the matters adjudged and not open to question in a collateral proceeding. This rule was fully sustained by the court in United States v Throckmorton (90 U.S., 61, et seq.) wherein the United States sought to cancel the patent to lands issued upon a decree for confirmation of a Mexican land grant, obtained as it was charged by a fraudulently antedated grant.

Nothing in the act in question indicates that a rule of law so essential, so essential to the stability of judgments, and to the peace of society, was intended by Congress to be abrogated. I am therefore of the opinion that judgments of the Indian tribal courts upon the question of Cherokee blood, left for years in force, unquestioned, and which never have been vacated, should be held conclusive upon the nation, and that the Commission correctly so held.

It is proper, however, here to remark, in justice to the dead applicant and the judges, that the evidence in the record, in my opinion, falls far short of showing improper conduct or motive on their part, or even to show error in their judgment. The strain of Cherokee blood claimed by the Dawson family originated in a marriage contracted prior to about 1823, so remote in time that it could only be established by persons already old in 1882. It could not be neither proved nor disproved by direct testimony of any one living, and is capable of proof only by family tradition, dimmed by the lapse of almost a century. It is obvious that judgments ought not to be brushed aside and rights supposed to be vested to be struck down on that kind of evidence and in a collateral proceeding. I am therefore of the opinion that no action for a correction of the alleged fraud ought to be taken as to those cases standing upon the adjudications.

As to the cases standing upon the acts of admission of the Cherokee Council, the same result follows, but for other reasons. This was a legislative grant. The Cherokee Council had plenary power to grant rights of citizenship. Being a legislative body, it was not bound by technical rules of evidence obligatory upon judicial tribunals. It might act on any evidence satisfactory to itself of the fact of Cherokee descent, or it



might grant citizenship to one not of Cherokee descent. Having made the grant, neither its motive nor the sufficiency of the evidence moving it, is open to question. That it did not undertake the grant is alone and of itself sufficient.

Very respectfully,

(Signed) Frank L. Campbell,

Assistant Attorney General.

Approved: February 18, 1904.

(Signed) E. A. Hitchcock,

Secretary.

D C 10870-1904.

COPY

I.T.D. 7442-1903  
7450- "

L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
J.P.  
FHE

March 31, 1904.

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

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Charles T. Moore, et al., for enrollment as citizens of the Cherokee Nation. The record relative to their application forms part of the record in the consolidated case of Francis M. Dawson, et al., in reference to which you rendered a decision December 23, 1902.

In said decision you disposed of the applications in the Dawson case by groups. Group VI. will be considered herein. This group includes the applications of Charles T. Moore, D. \$18, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie Moore, and his six minor children, Nora, Walter, Clara, Ora, James W. and Mina E. Moore, as citizens by blood of the Cherokee Nation.

The said Charles T. Moore was married to Mollie Moore, formerly Dawson, in accordance with the laws of the Cherokee Nation, January 17, 1887. He is identified on the Cherokee census roll of 1896, and has resided with his wife in the Cherokee Nation since their marriage.

The said Mollie Moore, nee Dawson, was admitted to Cherokee citizenship by a decree of the Tehee Court dated January 11, 1883. She is identified upon the pay roll of 1883, and upon the census roll of 1896, and has resided in the Nation since 1883. The four older children named above are identified on the census roll of 1896; the two younger by birth affidavits.

It is considered that the residence of said minor children is that of their parents.

You held that all of the applicants named above are entitled to enrollment.

Reporting as to this group, October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except in so far as it relates to Charles T. Moore, who claims by intermarriage.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, claiming that the decree of the Tehee Court was obtained through fraud.

The question of fraud in connection with the Dawson case was submitted to the Assistant Attorney General, and was disposed of by him in favor of the applicants in an opinion rendered February 16, 1904, approved by the Department, a copy of which was sent you February 24, 1904.

The Department concurs in your recommendation as to these applicants who claim by blood. In reference to Charles T. Moore, no

-2-

action will be taken at present, inasmuch as the right of intermar-  
ried persons to enrollment as Cherokee citizens is now under consid-  
eration by the Court of Claims.

A copy of Indian Office letter of October 18, 1903, is in-  
closed.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

Cherokee D-518.

Muskogee, Indian Territory, April 12, 1904.

Charles T. Moore,  
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 23, 1902, granting, among others, your application for the enrollment of your wife, Mollie Moore, and your minor children, Nora, Walter, Clara, Ora, James W. and Edna Edith Moore, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McTennon,

Attorney for Francis L. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Lula, Ray, Jessie M., Jacob L., Hugh A., Laura A., John, William R. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna M., Edward J., and George J. D. Atkins, John W., Albert L., Ralph M., Alford, Samuel R., August, Kate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert B., Iola L., Lemuel M., Rosa B., Charles M., Mattie M., Jennings B., James U., Vergal C., Thomas M., Marie M., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Bertie R. and Myrtle Lenox, Missouri, Tempa W., Robert M., Glason, John W., Julius E., Francis M., Mary E., Jesse T., Gracie M. and Florence M. Graham, Laverne A., Ada B., Eva B., John W., Ray D., Roberta A., and



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Bob W. Palmer, Florence M., Corrie and Claude Graham, Joe E.,  
William D., John A., Mary J. and Robert Lee Graham, Joe Willie Deal,  
Sue M., Larick, Annie, Luther and Floyd Graham, Mollie, Nora,  
Walter, Clara, Ora, James M., and Edna Edith Moore, Richard M. and  
Mrs. E. L. Smith, Ella E., Hellen J. and William Glenn Spickerman,  
Albert M., Ralph M., Robert M., and William C. Dawson, Zoma, Sarah  
M., Martha M., Glad M., Edgar D., Thomas M. and Virgil V. Patterson,  
John A., Clarence E., Council J., Elmer A., Cleo, Rufus F., Edgar,  
William, James B., Winnie M., Ermine C., Marvin C. and Ancil F.  
Dawson, Etta Brauer, Rites, Julia M., Minis T. and Jasper Cecil  
Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna  
Sturrock, Texanna, Irene M. and William E. Woolley, Laverna A.,  
William A. and Annie B. Finbeck, L. M. M., Curtis, Morris O. and  
Roy Kiddle, Florence, Clyde and Alice M. Morgan, John E. Fishback,  
Edna, Roy and Charlie M. and William D. Southitt, as citizens by  
blood of the Cherokee Nation, and dismissing the applications for  
the enrollment of Cecil Dawson, Minnie and Margaret Graham as citi-  
zens by blood of the Cherokee Nation, they having died prior to  
September 1, 1902, was affirmed by the Secretary of the Interior  
on March 31, 1904, and that the Commission's decision rejecting the  
applications for the enrollment of James, May, Zelma, Roberta, and  
Rosa Love, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

of the Department, was reversed by the Secretary of the Interior on the same date.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tablequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 13, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Lula, Ray, Jessie J., Jason L., Hugh A., Laura A., John, William R. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. L. Atkins, Tom W., Albert L., Ralph H., Alford, Samuel R., August, Kate and Robert Dawson, Mattie Lewman, Josephine, Doris, Ida, Annie, Blanche, Ray and Oscar Sulawsky, John, Robert E., Iola M., Lemuel W., Rosa E., Charles E., Hattie J., Jennings E., James U., Vergil C., Thomas P., Marise J., Orle H., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Hanson, Tessie A. Jackson, Fannie, Birtie E. and Myrtle Lenz, Missouri, Tampa W., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham, Luverna A., Ada R., Eva P., John T., Ray D., Roberta A., and

Roy E. Painter, Florence E., Myrtle and Claude Bradshaw, Joe E.,  
William E., John E., Wina E. and Robert Lee Graham, Joe Willie Neal,  
Wesley E., Marion, Annie, Luther and Floyd Graham, Lollie, Nora,  
Walter, Clara, Vera, James W., and Edna Edith Moore, Richard W. and  
M. L. Jackson, Milla E., Hellen J. and William Glenn Spickerman,  
John E., M. E., Robert E., and William C. Dawson, Zona, Sarah  
E., John E., Clara E., Edgar D., Thomas E. and Virgil V. Patterson,  
John E., Clarence E., Council E., Elmer A., Cleo, Rufus T., Edgar,  
Walter, James E., Willie E., Ermine C., Edwin C. and Ancil E.  
Jackson, Ella Krauer, Kitty, Delia E., Finis T. and Jasper Cecil  
Jackson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna  
Flournoy, Texanna, Irene E. and William E. Woolley, Laverna A.,  
William E. and Annie E. Fishback, John E., Curtis, Morris O. and  
Roy Weadle, Florence, Elide and Alice A. Morgan, John E. Fishback,  
John, Roy and Charles Henry and William D. Southitt, as citizens by  
blood of the Cherokee nation, and dismissing the applications for  
the enrollment of Cecil Dawson, Lizzie and Margaret Graham as citi-  
zens of blood of the Cherokee nation, they having died prior to  
September 1, 1902, was affirmed by the Secretary of the Interior  
on March 31, 1904, and as to the Commission's decision rejecting the  
applications for the enrollment of Wessie, May, Zelma, Roberta, and  
Mollie E. Cole, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

-3-

of blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

Commissioner in Charge.

mother, ... et al

---

For record in this case  
see ... et al, ...  
I ... et al



Cher 10747

Missouri Graham

Trans. from D23

Cher 10747

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fairland, I. T., July 12, 1890.

In the matter of the application of John W. Crahan et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, the testifies as follows:

Q What is your name? A John W. Crahan.  
Q What is your age? A Sixty-six years old.  
Q What is your post-office? A McLain, I. T.  
Q What is your district? A Canadian.  
Q How long have you lived there? A About eight years.  
Q How long have you lived in the Territory? A I have been living in the Territory thirteen years the second day of next month.

Q Has the Territory has been your residence continuous during that time? A It has.

Q Do you apply as a Cherokee by blood? A I do not.

Q Inter-married Cherokee? A Yes sir.

Q Do you wish to apply for anybody besides yourself? A My wife and two minor children.

Q Have you a marriage license and certificate? A I have.  
(Produces license and certificate.)

Q This paper you have handed me is a duly certified copy of marriage license issued to you on the 7th day of February, 1888, by J. S. Shelton, Clerk of Delaware District, with a certificate of you being married to the person named in that license, namely Miss Missouri Dawson, a citizen of the Cherokee Nation, you a citizen of the United States, on the 10th day of February 1888, and signed E. W. Rivers, Presiding Elder Cherokee District Indian Mission Conference; the copy is duly signed and certified to under seal of J. S. Shelton, Clerk of Delaware District, Indian Territory; the same has been exhibited to the representatives of the Cherokee Nation, and they make no objection to the regularity and due order of this document, and it is accepted. Your wife's maiden name was Missouri Dawson? A Yes sir.

Q Was she a Cherokee by blood? A She is.

Q What year was she on the roll of 1880? A She was not found thereon.

Q Why is your wife's name not on the roll of 1880? A We wasn't here at that time.

Note: Applicant has produced certificate of admission of his wife in 1884.

Q This paper you have handed me seems to be a duly attested copy from the office of the Commission on Citizenship at Tahlequah, of the Cherokee Nation, dated September 14th, 1883, in which a number of persons, among them Missouri Dawson, whom you claim as at present your wife, were, after certain proceedings, duly admitted by the Commission on Citizenship, and this copy is attested under seal by John L. Fair, Executive Secretary; this is further corroborated by a document dated July 25th 1890, both of which state that on the 9th day of September, 1884, Missouri Dawson, among others, was admitted to Cherokee citizenship as Cherokee by blood. These documents are exhibited to the representatives of the Cherokee Nation and they take no exception to them, as to form, and they are accepted, as due and regular as to form.

Statement by Attorney Hutchings, Attorney for Cherokee Nations.

The representatives of the Nation desire to state here that this is a copy of a large number of cases that will come up under the decision by this court, and that we are now in possession of several of evidence that that was a fraudulent judgment, and that we will use all diligence to get this testimony and bring it before the Commission at the very earliest moment possible, and will do

sive that it shall be a whole showing, the notion being given to the other side. It would be almost impossible, or as to get this evidence in every single case, because it would be a very great expense to the Nation, and it could not be done at all as it relates to the condition of the judgments and the condition of character of the land.

Examination by Contr Breckenridge:

Q Do your children have your name? A Two miners.  
Q Give their names and ages? A Tempa V. Graham, seventeen years old. (On 1866 roll, Canadian District, page 29, #798, as Tempa V. Graham, aged thirteen years.)  
Q How long did that as your child? A Yes sir.  
Q How long could? A No, sir, and fourteen years.  
(On 1866 roll, Canadian District, page 29, #798, as Tempa V. Graham and son.)

Contr Breckenridge: Who did you identify in the roll as stated?

A On the 1866 roll excluded, page 28, #100, John V. Graham, Michigan District; 1866 roll, Canadian District, page 29, #796a, Michigan District.

Contr Breckenridge: They are not properly identified as stated on the roll of 1866.

Applicant: They will not appear upon the 1866 roll, but they appear upon the rolls of 1861 or 1862, upon the last cross payment roll.

Contr Breckenridge: 1861 roll excluded, Canadian District, page 28, #312, Michigan District.

Applicant: Oh, yes, we were on the 1864 roll.  
Robert V. Graham, 1864 roll, page 28, #312; Temp V. Graham, 1864 roll, Canadian District, page 29, #797.

Q It appears, Mr. Graham, that you are not your father, except your self, and upon the roll of 1861, you do not appear yourself drawing money at that time. I misunderstand you as to the 1864 roll; we were on that, and also on a previous roll to that.

Contr Breckenridge: The evidence that you adduce, while of course it will come upon your case, in none of it is that character of evidence which Congress makes compulsory for admission, it gives jurisdiction to the Commission. There is certain evidence that Congress requires to be received as absolute and conclusive. Your evidence, however conclusive it might be in its nature, is not of that character as regards the application of existing law. The representatives of the Cherokee Nation give notice that they wish to take certain steps which they have stated here before you, attacking the validity of certain action on the part of the Cherokee Nation, or rather, the Commission on Citizenship, and in view of that, and for further consideration of the case, the Commission will put your application for yourself and your wife and children, for the present at least, on what is called a doubtful, or suspended, card, and a reasonable time will be given to the Nation to make such representations as it thinks just and proper. I wish to say to you also that any evidence, papers or proceedings that you consider to your interest will be received and welcomed by the part of the Commission, so that as far as any further proceedings are concerned there will be an equally fair show on both sides.

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

*H. D. Green*

12  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1  
**FILED**

JUL 12 1900  
*[Handwritten signature]*

# CHEROKEES BY BLOOD AND ADOPTION.

56  
 Name: *William N. Graham* Date: *July 1st* 1900  
*McDonough Dist.*  
 District: *Cherokee* Year: *1896* Page: *88* No. *120*  
 Citizen by blood:  Mother's citizenship: *Cherokee*  
 Intermarried citizen:   
 Married under what law: *CHEROKEE* Date of marriage: *1896*  
 License: *Cherokee* Certificate: *Proved & approved*  
 Wife's name: *Missouri Graham*  
 District: *Cherokee* Year: *1896* Page: *29* No. *796*  
 Citizen by blood:  Mother's citizenship: *CHEROKEE*  
 Intermarried citizen:   
 Married under what law: *Cherokee* Date of marriage: *1896*  
 License: *Cherokee* Certificate: *Proved & approved*

Names of Children:

Name	Dist.	Year	Page	No.	Age
<i>Tempa G. Graham</i>	<i>Cherokee</i>	<i>1896</i>	<i>29</i>	<i>797</i>	<i>17</i>
<i>Robert G.</i>	<i>Cherokee</i>	<i>1896</i>	<i>29</i>	<i>798</i>	<i>14</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

*Handwritten signature/initials*

*Handwritten note*

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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**FILED**  
JUL 12 1900

*[Handwritten signature]*  
ACTING CHIEF

1



HENRY  
TAMM  
THOMAS  
HARRIS  
A. N. S. A. B. A. T. H.  
S. K. A. T. A.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1901.

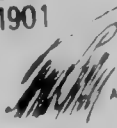
Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
John W. Graham et al. for enrollment as citizens of the Cherokee  
Nation.

*John W. Graham et al. 122*

1073

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
MAR 11 1901

 ACTING CHAIRMAN

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
WESTERN DISTRICT.

193. No 193

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. A. S. Harrod of McLain, in the Indian Territory, aged 28 years, and Tempy Graham, of McLain, 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 Muskogee, Indian Territory, this 30 - day of August, A. D. 1902.

(SEAL) (Signed) R. P. Harrison.  
Clerk of the U. S. Court.

By (Signed) A. Z. English, Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, | SS.  
WESTERN DISTRICT. |

I, David Shien, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 31 day of August, A. D. 1902, 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 31 day of August, A. D. 1902.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District, Book B, Page 103.

(Signed) David Shien.  
A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, | SS.  
WESTERN DISTRICT. |

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 10 day of Sept, 1902, at 5 P. M. and duly recorded in Book N, Marriage Record, Page 199.

WITNESS my hand and seal of said Court at Muskogee, in said Territory this 12 day of Sept., A. D. 1902.

(SEAL) R. P. Harrison. Clerk.  
By (Signed) R. A. Bayne, Deputy.

HARRISON

UNITED STATES OF AMERICA  
INDIAN TERRITORY  
WESTERN DISTRICT

Western Dist. Ind. Ter.  
FILED

TO ALL PERSONS AUTHORIZED BY THE COURT TO TAKE DEPOSITIONS  
R. P. HARRISON

YOU ARE HEREBY COMMANDED TO appear before the undersigned  
Judge of the Western District of Oklahoma, at the  
Department of the Interior, at Oklahoma, on the  
Commission to the Five Civilized Tribes.  
R. P. HARRISON  
JAN 25 1908

James Bixby, Chairman, Deputy

I, Louise Smith, as stenographer to the Commission to the  
Five Civilized Tribes, hereby certify that I made the foregoing  
copy, and that same is a true and correct copy of the original  
document.

*Louise Smith*

UNITED STATES OF AMERICA  
INDIAN TERRITORY  
WESTERN DISTRICT

I, Louise Smith, a single woman, do hereby certify that I made the foregoing  
copy, and that same is a true and correct copy of the original  
document.

Witness my hand and seal of office  
this 25th day of January, 1908.

UNITED STATES OF AMERICA  
INDIAN TERRITORY  
WESTERN DISTRICT

I, ROBERT P. HARRISON, Judge of the Western District of Oklahoma, do hereby certify that I made the foregoing  
copy, and that same is a true and correct copy of the original  
document.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., October 2, 1902.

In the matter of the application of JOHN W. GRAHAM, for the enrollment of himself as a citizen by intermarriage, his wife, MISSOURI GRAHAM, and his children, TEMPA V., and ROBERT S. GRAHAM, as citizens by blood of the Cherokee Nation:

-DAWSON CASE-

JOHN W. GRAHAM, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A John W. Graham.
- Q What is your age at this time ? A I was born in 1844. I am about fifty nine years old.
- Q What is your post office address ? A McLain.
- Q Are you the same John W. Graham who made application to this Commission for enrollment as an intermarried citizen of the Cherokee Nation, on July 12, 1900 ? A Yes sir.
- Q Is your wife living at this time ? A Yes sir.
- Q Is she a Cherokee by blood ? A Yes sir.
- Q Where did you marry her ? A In Missouri.
- Q When were you married to her ? A In 1866.
- Q Had you ever been married prior to your marriage to your wife in Missouri ? A I never had.
- Q Had she ever been married prior to her marriage to you ? A She never had.
- Q Have you lived together as husband and wife all the time since your marriage to her up to the present time ? A Yes sir.
- Q Never been separated ? A Never have.
- Q Were you living together as husband and wife on September 1, 1902 ? A Yes sir.
- Q How long have you been living in the Cherokee Nation ? A About fifteen years.
- Q Have you lived in the Cherokee Nation all the time for the last fifteen years ? A Yes sir.
- Q Has your wife lived with you all the time ? A She has.
- Q You have never been married to any other woman since your marriage to your wife in Missouri, have you ? A Never have.
- Q Are these two children, Tempa V. and Robert L., are they your children by your wife ? A Yes sir.
- Q Are they living at this time ? A Yes sir.
- Q Have they lived in the Cherokee Nation practically all their lives ? A Yes sir.
- Q Tempa V., was married before you came to the Cherokee Nation ? A She was.
- Q She has lived here for the last fifteen years ? A Yes sir.
- Q Robert L., was born here ? A No sir, he was born before we came here.
- Q He has lived here for the last fifteen years? A Yes sir.

H. C. Bagwell, an 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.

*H. C. Bagwell*

Subscribed and sworn to before me this October 18, 1902.

*B. C. Jones*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and being sworn by Commissioner, C. B. Brockinridge, testified as follows:

- Q What is your full name? A Francis Marion Dawson.  
Q What is your age? A I am fifty eight years old.  
Q What is your Postoffice? A Coahoma.  
Q What District do you live in? A Delaware.  
Q Who is it you want to have enrolled? A Myself and family.  
Q Your wife? A Yes, sir.  
Q How many children? A Six.  
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.  
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.  
Q How long have you lived in the Cherokee Nation? A Since 1883.  
Q Were you admitted by the Cherokee Commission? A Yes, sir.  
The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.  
Q That is your name is it? A Yes, sir.  
This is recognized as satisfactory evidence of the facts stated.  
Q Have you lived in the Cherokee Nation ever since your admission? A Yes, sir; in Delaware District ever since.  
Q Give me the name of your wife? A Katie Dawson.  
Q How old is she now? A Forty five.  
Q Was she admitted with you? A No, sir.  
Q Have you married her according to Cherokee law since your admission? A No, sir.  
Q You have not remarried since your admission? A No, sir; it was not necessary.  
The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated herein, in 1880, by the Reverend H. S. Coudelock, in Carroll County, Arkansas, the license being issued by the Clerk of that County.  
These papers are filed herewith.  
Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.  
Q At any other time? A No, sir.  
Q By act of the Commission or Council? A No, sir; she was placed on the census roll.  
Q On the census roll? A Yes, sir.  
Q Give me the names of your children, please? A Lula.  
Q How old? A Seventeen.  
Q Next child? A Ray.  
Q How old? A Fifteen.  
Q Next child? A Jessie Jane.  
Q How old? A Fourteen.  
Q Next child? A Jacob Levy.  
Q How old? A Ten.  
Q Next child? A Hugh A.  
Q How old? A He is eight I believe.



Next child? A Laura.  
 How old is that child? A She is four years old.  
 Is she still? A Yes, sir; six of them. I have others, but they  
 are not here.  
 Are they married? A No, sir.  
 Are they over age? A Yes, sir.

- (1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.
- (1896 Roll, Page 509, #135, Katie Dawson, Delaware District.
- (1896 Roll, Page 461, #903, Lula Dawson, " " )
- (1896 Roll, Page 461, #904, Ray Dawson, " " )
- (1896 Roll, Page 461, #906, Jesse James Dawson, Delaware Dist'.
- (1896 Roll, Page 461, #908, Jacob Levy Dawson, " " )
- (1896 Roll, Page 461, #907, Hugh A. Donahoe Dawson, " " )
- (1896 Roll, Page 461, #908, Laura Albertio Dawson, " " )

Q Is this Lula or Luly? A Luly.  
 The applicant applies for the enrollment of himself, wife and  
 six children:  
 Q Were these children all born since you were admitted into the  
 Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission,  
 cited in the testimony, to have been admitted to Cherokee  
 citizenship, by the Commission on Citizenship, January 11th,  
 1883; he is identified on the roll of 1896, but the representa-  
 tive of the Cherokee Nation desires to make inquiry into the  
 methods of that time, and for that reason, the application of  
 the applicant will at present be placed on a "Doubtful Card."  
 He has lived in the Cherokee Nation ever since his admission  
 to citizenship. His wife was married to him under United  
 States law, and was married prior to his admission: she has  
 never been remarried according to Cherokee law: She has lived  
 with him ever since his admission to citizenship, and she is  
 identified on the roll of 1896. The application for her  
 enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are  
 identified on the roll of 1896: They are living at this time,  
 all having been born since his admission (Applicant's). These  
 children will be placed with him on a "Doubtful Card". The  
 applicant's marriage to the mother of these children is estab-  
 lished by the marriage license and certificate filed herewith.  
 If any additional papers, adverse are developed in this case,  
 he will be given timely notice thereof.

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 steno-  
 graphic notes thereof.

(Signed) R. R. Cravens.

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

(Signed) C. R. Breckinridge,  
 Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :  
of F. M. Dawson and others as :  
Cherokee citizens. :  
----- :

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Louis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q State your name, age, residence and occupation?
- A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation.
- Q How long have you resided in the Cherokee Nation? A All my life.
- Q Are you a citizen of the Cherokee Nation as now constituted?
- A Yes, sir.
- Q Upon what is that citizenship based, blood or otherwise?
- A Blood.
- Q What, if any official position have you held in the Cherokee Nation, and at what time?
- A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
- Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
- Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
- Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
- A There were three, Tchoo, Wolf and myself, Tchoo was President of the Court.
- Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
- Q Did you have a Clerk? A Yes, sir.
- Q Do you remember who that was? A D. W. C. Duncan.
- Q Do you know whether the members of that Commission besides yourself, are living or dead? A Yes, sir, they are both dead.
- Q Can you recollect now what period of time that Commission lasted?
- A About two years I think, two sessions, and there was one session each year.
- Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
- A Yes, sir.
- Q Were the cases coming before that body heard in open session?
- A Yes.
- Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?  
A In case of decisions I think they sometimes had secret sessions, but the judgments of the Commission were pronounced openly.

Q What you intended to convey by you answer to the former question is that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony went into secret session.

Q I will present you with a paper which the Notary will exhibit to you, Exhibit "A" and a copy of which he will attach to your deposition. I will ask you if with the exception of the certificate of record by M. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?

Q I recognize the signature to it, but don't remember the instrument which signature on that paper do you recognize? A My own.

Q That signature is in your own handwriting? A Yes, sir.

Q Do you know whether Thomas Teehee, president of the Commission, could write in English or not? A No, I don't think he could.

Q He as to Alexander Wolfe, a member of the Commission?

Q I don't think he could write either, I don't think either of them ever wrote except by touching the pen.

Q Were you, and are you familiar with the handwriting of D. W. Thompson, the Clerk of that Commission?

Q I recognize it tolerably well, but it has been a long time since I saw any of it. Will you look at the paper again and say whether you recognize the signature attached thereto?

Q Yes, that is his signature to the best of my knowledge.

Q Do you preserve any personal recollection of the application made to that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by that Commission?

Q I remember F. M. Dawson and his brother, that is about the only ones I remember.

Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?

Q Yes, there was such a claim before the Commission.

Q Can you state as to the citizenship of Thomas Teehee, whether he was a citizen of the Nation by blood or not?

Q Yes, sir, he was always recognized as such, full blood Cherokee. What is your knowledge of Alexander Wolfe?

Q About the same, he was also a full blood and recognized as such by the Cherokee.

Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?

Q None whatever as far as I was concerned, and I don't think there was any on the balance of the Court.

#### CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to that certificate shown you is in your handwriting?

Q Yes, sir.

Q Now Mr. Deacon certified that this is a transcript of the original. In the case, he is mistaken, that is the original?

Q No, I don't know, that may be the original, if that is not the original I don't sign it, if it is the original I sign it.

Q You state that the witnesses were examined orally before the Court. Don't you know that in almost every case you took an oath

affidavits of witnesses when those witnesses were not present?  
I think we ruled experts evidence out, as well as I remember.  
Did you have any stenographer or anybody to copy the evidence?  
Duncan did all of the copying.

Was the evidence copied and preserved?

Yes, sir, I think it was.

What was done with that evidence, where was any of it ever put?  
I suppose it is at Tahlequah in the office of the Treasurer or  
Secretary.

When you went into secret session did you have Mr. Duncan read  
the evidence to you?

Yes, sir, we went over the evidence thoroughly.

Did you allow the applicants or their attorneys admission to  
your secret sessions?

Q. When you go ready to render your decisions did you then send  
the applicants or their attorneys?

A. Sir.

Q. Did you render them in secret also, did you? A. Yes, sir.  
Have you any recollection who testified in the Dawson case, as  
to their claim? A. No, sir, I have not.

Q. Have you any recollection as to who they claimed their Cherokee  
ancestors were? A. Yes, sir, they claimed the Rogers.

Q. Did they claim relationship with any of the present families of  
Cherokees residing in the Cherokee Nation?

The applicant objects to this question as tending to  
elicit testimony wholly incompetent and irrelevant to the  
issue, and not cross-examination of this witness.

I don't know that they did, particularly.

Q. How could your court determine when they claimed descent through  
the Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same  
grounds as their objection to the previous question.

By the evidence they produced.

Q. Didn't you make them prove that that family was well known  
some time to be connected with the Cherokee Nation, and were  
citizens thereof? A. Yes.

Q. Who was the attorney for the Dawsons? A. Old man Houston, Bangs.  
Could either Teehee or Wolfe speak English? A. They could under-  
stand, but they never spoke English, they had an interpreter.

Q. Did you ever talk to either of them as to whether they got  
anything for deciding this case? A. No, sir.

Q. How long were you considering the case altogether?

A. I could not say as to that, I think we were on it two or three  
days anyhow, I could not say positively now, they were a long time  
sitting in testimony.

Q. There were only two or three witnesses examined all told, were  
there not?

A. I think so, three I think, they had quite a lot of affidavits,  
but we did not consider them.

Q. Tell the Court was a good while arriving at its conclusion after  
evidence was closed?

A. Yes, quite a good while, I don't remember the exact time.

#### RE-DIRECT EXAMINATION:

Q. Remember who the interpreter the commission had during  
the trial of the Dawson case.

A. His name was Reese, I forget his given name.

Q Do you now whether he is living or dead?  
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.  
Q What was he, a Cherokee by blood?  
A He was considered a Cherokee by blood.  
Q Do you know where he lived at that time?  
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,  
Indian Territory,  
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, herby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Mich Record Mortg. & Liens, page 389,

Witness my hand and seal of said court at Muskogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation,  
Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,  
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1893.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,  
VS,  
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1893, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Robt Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson are Cherokees 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 they should be, and they are hereby

entitled to the full and complete enjoyment of the same in all respects as native born Cherokees.

W. C. Duncan,	)	Thomas Tohee, President of Com.
Clerk of Commission.	)	Alex Wolf,
	)	T. F. Thompson,
	)	Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883. D. F. C. Duncan, Clerk of Commission.

Executive Department,  
Tahlequah, Cherokee Nation.

January 11th, 1883.

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tohee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,  
Asst. Ex. Secretary.

United States of America,  
Indian Territory,  
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 7, 1900." The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd, 1903.,



D. W. C. Duncan being produced by the applicants after being sworn testily to the truth, the whole truth and nothing but the truth attested as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q Please state your name, age, residence and occupation?  
A My name is D. W. C. Duncan, my age is 70 years, my residence is Winita, Indian Territory, my occupation is a farmer.  
Q How long has that been your place of residence? A Since 1874.  
Q Are you a member of the Cherokee Nation as it is now constituted?  
A Yes, sir.  
Q Upon what is your citizenship based, a Cherokee by blood?  
A Yes, a Cherokee by blood.  
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?  
A About that time I held the position of clerk of the Citizenship Court or Commission.  
Q If you remember the names of the members of that Commission or Court, please give them?  
A The President of the Commission was Teneo I believe, and a member by the name of Wolfe whose first name I don't recollect, and Mr. Thompson here.  
Q T. F. Thompson?  
A Yes.  
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?  
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.  
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of M. L. Bragdon, clerk, and of John L. Adair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?  
A Yes, I think I have seen this before.  
Q When, and where, if you remember, did you first see that paper?  
A This is a paper I drew up at the time I was acting as clerk of said Citizenship Court.  
Q Looking at its date, was it drawn at you at the time it bears date?  
A To the best of my recollection it was drawn at the date specified.  
Q Do you recognize the signature to the certificate attached to that paper?  
A Yes, that is my signature.  
Q State if you know, in whose handwriting the body of the paper is?  
A It is in my handwriting.  
Q And at that time you were clerk of that Commission? A Yes.  
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?  
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.  
Q Explain please, how you came to write the signatures of Thomas Teneo and Alex Wolfe to that paper?  
A Thomas Teneo and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q. Was that the usual manner of certifying to the action of the Court in relation to applicants who had the decision of their application for citizenship, when admitted?

A. In all instances, were it not necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Teeho's and Fols's names and T. F. Thompson to sign his name.

Q. You didn't catch exactly my idea, but perhaps that answered it, that I intended to call your attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A. My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was sent read upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q. If you had any knowledge at the time the application of the Dawson family, F. H. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. H. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A. I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q. If as you certify, this paper was a transcript of the record, why did you have the judges sign it?

A. I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.

Q. Examine that signature of Mr. Thompson, examine the first T in his name and the T in Teeho's name and see if it is not all your own handwriting?

A. No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q. How was the evidence taken in those cases?

A. It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q. Do you know whether that evidence is in existence or not?

A. I don't, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.

Q. You say you never heard any talk about this being an improper case until very recently?

A. Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given and read by hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.  
My commission expires 2/3/1902.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, T. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation, He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.  
Q How old are you? A Soon will be sixth years old.  
Q What is your postoffice address? A Afton now, it used to be Osburn.  
Q What was the name of your wife? A My first wife was Julia Ann Howard.  
Q She was a white woman? A Yes, sir.  
Q When were you married to her? A I think it was the 8th of January, 1864.  
Q Where were you living at that time? A In Arkansas.  
Q Who married you? A A man by the name of Dave Sturdy.  
Q Was he a preacher? A Yes, sir.  
Q A Minister of the Gospel? A Yes, sir.  
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.  
Q Did you have any children by her? A Yes, sir.  
Q What are their names? A William R. Dawson.  
Q The next one? A Francis Marion Dawson Jr.  
Q The next one? A Johnnie.  
Q The next child? A Elizabeth.  
Q The next one? A Arizona Allred.  
Q These are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.  
Q How old are you? A I will be 51 the 18th day of June.  
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.  
Q How are you related to him? A Brother.  
Q Did you know his former wife, Julia? A Yes, sir.  
Q Is she living or dead? A She is dead.  
Q Was she a Cherokee or white woman? A I couldn't say what; where they married in the States.  
Q Do you know when he was married to her? A Yes, sir.  
Q When was it? A About the close of the war.  
Q Who married them? A Parson Sturdy.  
Q Were you present when they were married? A Yes, sir.  
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.  
Q How old are you? A 56 years old.  
Q What is your postoffice address? A Afton.  
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, "Bud Dawson."  
Q How long have you known him? A My first acquaintance with him was in '61.  
Q Did you know his first wife, Julia? A Yes, sir.

- Q Did you know whether or not they were married? A Yes, sir, they were married.
- Q Were you present at the marriage? A No, I wasn't present at the marriage.
- Q Did you see them soon after their marriage? A Yes, sir.
- Q Did you continue to know them for any length of time afterwards? A I knowed them as long as they lived.
- Q During the time you knew them did they live together as husband and wife? A Yes, sir.
- Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and make a part of the record in the following Cherokee cases:  
Allison, et al. vs. et al. D-585, John Dawson, D-580, William R. Dawson, et al. vs. et al. Dawson D-584 and Francis H. Dawson Jr. D-588.

- - - - -

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

Witness my hand and seal this 1st day of August, 1901.

Signed: E. G. Rothenberger.

Supp. - D. #324.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the  
following proceedings were had:

APPEARANCES:

Mr. A. S. McKennon, of counsel for applicants;  
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case  
and announces that it is ready for trial, provided permission is  
given to hereafter examine before the Commission, either at this  
place or Fort Gibson, the witness S. H. Benge, who has been regularly  
summoned to attend at this day and time but who is too sick to  
travel at this time and probably will be for some time to come. As  
evidence of a good faith of the Nation we hereby present an affidavit  
of the facts sought to be proven by the said Benge. If the applicants  
counsel are willing to concede that the witness if present would  
testify to the facts herein set forth, the Nation is ready to  
proceed to trial without reservation of any kind. If they are not  
it desires to reserve this privilege of hereafter, either tomorrow  
or otherwise, this case being set for to-day and tomorrow, of  
examining before the Commission, or its authorized officer, this  
witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the  
paper presented and do not admit that the witness, Samuel H. Benge  
if present would testify to the facts therein stated. They consent  
and desire that the testimony of said Benge be taken before the  
Commission at its office in Muskogee but not elsewhere, and protest  
against it being taken at any other place, with the understanding,  
however, that when taken we have opportunity to introduce any evidence  
we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing Counsel,  
their client and Commission officers in taking the deposition at  
Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are  
material in their character and are quite tangent. The Commission  
of its own volition would acquire information of that character if  
it knew of its existence anywhere. While the functions of the  
Commission, as well known are in many respects judicial, yet it is  
endowed with somewhat complex powers, such as Congress creates from  
time to time to do business of certain character, and it is ordered  
to make a correct roll, which is a duty largely independent of  
hearing simply what is brought before them; it must be the architect  
and constructor of that roll and if evidence is not brought before  
before the Commission it must go out and get it, to be uniform on  
that construction of the law. The Commission, therefore, desires  
this information independent of any counsel on either side both with  
respect to the applicant and to the Nation, and if this witness is



not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright Disease, he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed that the defendant be directed with an official of the Commission with a stenographer to leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

- Q What is your name? A Francis M. Dawson.  
Q Where do you reside? A In Afton.  
Q You have been examined in this case heretofore, have you?  
A I don't know which case it is.  
Q In your own case? A Yes, sir.  
Q Are you the one that is commonly called Bud Dawson? A Yes, sir.  
Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; by brother.  
Q What was his name? A A. E. Dawson.  
Q You and Robert Dawson and Elbert Dawson and others applied February 24, '81, about that time? A Yes, sir.  
Q And you were admitted about the 11th of January '83? A Yes, sir.  
Q There were other members of your family that applied and were admitted after that time? A Yes, sir.  
Q Do you or not remember the evidence offered in theirs to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Terr. Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?  
A That is afterwards?  
Q Yes, afterwards? A I think there was some other evidence introduced.  
Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas?  
A Yes, sir.  
Q Who else? A Oliver Miller.  
Q Who was Oliver Miller; the records in this case have been destroyed and mutilated? A Oliver Miller lived in Arkansas.  
Q What was he, who was he? A He is no longer living.  
Q Well, what station in life did he occupy? A Farmer?  
A Yes, sir, farmer.  
Q Were you present when he testified? A Yes, sir.  
Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?

A No, not at all.

Q You don't read do you, Mr. Dawson? A No, sir, I don't read nor write; I can barely write my name.

Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.

Q Were you present when you were admitted? A I was not in the room.

Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.

Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:

(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)

Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.

Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.

Q Now, you were a son of what Dawson? A Robert Dawson.

Q How many children did Robert Dawson have, and give me their names?

A Albert Dawson, the oldest; Lila, Jasper, Francis Marion-

Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson,

Mina Dawson, Mollie Dawson, Wilburn Dawson.

Q Thirteen? (No response.)

Q Now, Robert Dawson's father was whom? A Sam Dawson.

Q Who was Sam Dawson's wife, your grandmother? A I have been told.

Q By family history is all you know? A She was called Polly Dawson.

Q Who was Anna Pruitt? A I don't know.

Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country;

Q I have heard talk about it, old Dr. Baker talked about it.

Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.

Q Pollie Dawson? A Yes, sir.

Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.

Q Daughter of Captain John Rogers? A Yes, sir.

Q Now, she died in Texas what time? A I don't remember.

Q Can't you guess at it? A Oh, I could guess.

Q Give your best recollection? A About '58 or '59, or no, '60 '61; I don't say positive, just guessing at it.

Q How old a boy were you then? A I was born in '42.

Q Have you any distinct recollection of her? A No, sir.

Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all

Q them.

Q Do you know by family history the names of all of them? A Yes, sir.

Q Will you give them to me?

A Betsey Ann Dawson, I believe her name was.

Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.

Q Your father? A Yes, sir.

Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.

Q Did he have two daughters? A Yes, sir.

Q Tell me, sir? A The next one was Joe Dawson; I never saw him; Wiley Dawson.

- Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.  
Q Any other one? A That is all I know anything about.  
Q Did he have any child by the name of John? A Yes, Jack.  
Q Didn't you get Jack displaced with Joe? A No, it was Joe; I  
Q have heard my father speak of him.  
Q Then they have seven children? A I never see them all.  
Q How many of them did you ever see? A I see uncle Riley Dawson  
Q and James Dawson and Jack Dawson and Retsy Ann Petty; I don't think  
Q I saw but one of Pa's sisters and brother, they went to Mississippi  
Q I think.  
Q Do you know what your family history says that the mother of your  
Q grand mother, Pollie Rogers' name was? A We have no history.  
Q Well, as it was brought down to you; did you ever hear anybody  
Q say what your great grandmother's name was? A No, I don't remember.  
Q What is that other man, Oliver Hill, that testified in your case?  
Q A He testified in James Dawson's case; he never testified in my  
Q father's case.  
Q Well, didn't anybody testify in your case but Dr. Baker?  
Q A Yes, sir, several other witnesses.  
Q Who were they? A I don't remember; my mother got the  
Q witnesses around Tallapoosa, old people.  
Q Were you present? A No, sir.  
Q You were only present when Dr. Baker testified? A Yes, sir.  
Q How do you find any mistakes in Dr. Baker's statement there?  
Q A I could not say all of them was correct or not, part of it is  
Q correct.  
Q What part is correct? A My about knowing the family over there.  
Q Who is Buck Dawson? A My brother.  
Q What is his name? A We always called him Buck, it is Elbert,  
Q E. Dawson.  
Q Who went with you the first time you went up to make an application  
Q for citizenship do you remember? A With my brother.  
Q The first time? A I got my brother in Texas.  
Q Which one? A E. Dawson.  
Q That is Elbert or Buck? A Yes, sir.  
Q You were living in Arkansas? A Yes, sir.  
Q And he was living in Texas? A Yes, sir, and another one of  
Q little brothers, Dr. Dawson now.  
Q Dr. Dawson now? A Yes, sir.  
Q What is his name? A James.  
Q Are you three sons there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HUTCHINGS:

Q. Who is the name of A. C. E. Taylor?  
A. He is a resident of Mr. Taylor? A. In near Coffeyville.  
Q. Did you appear in various various citizen ship Courts along in  
the State in the case taken at Tahlequah? A. Yes, sir.  
Q. Did you act as attorney for F. J. Dawson who only known as Bud Dawson?  
A. Yes, sir.  
Q. Were you present at the taking of testimony in that case? A. No,  
sir; I wasn't present.  
Q. Do you know who composed the court that decided the case at that  
time? A. Yes, sir.  
Q. Who were they? A. Tom Tones and Alex Wolfe and Tony Thompson.  
Q. Do you know whether or not they were all there when the case  
was decided? A. No, sir, there were only two of them present.  
Q. Which two? A. Tones and Wolfe.  
Q. Who was the Clerk of the Court at that time? A. Mr. Duncan,  
D. W. C. Duncan.  
Q. Do you know what witnesses were used in the case of Bud Dawson?  
A. No, sir; no. I was the attorney in the case and the evidence had  
already been filed before the court.  
Q. When was your last appearance? A. I was only called in as an  
attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant  
had the case and several other attorneys had the case and he employed  
me.  
Q. Did you take any evidence in this case? A. No, sir.  
Q. Did you take any money? A. Now, I was the attorney in the case  
I don't think it would be right for me to take any statement.  
Q. Now, you have claimed your own filage, I ask that you answer the  
question? Did Dawson ever send you any money with the direction to  
pay it to any member of the Court or the Clerk of the Court,  
D. W. C. Duncan, and if so state the amount? A. I had a heap of  
trouble over this matter.  
Commissioner: Just answer the question, Mr. Taylor.  
A. Well, the attorney I don't believe it is right for me to  
answer that question.  
Commissioner: Do you refuse to answer? A. Yes, sir.  
Q. Did the matter to which you object to testifying occur prior to  
the rendition of the decision admitting to citizenship or afterwards?  
(No response)  
COMMISSIONER BRECKINRIDGE:  
Q. Do you desire to reply to the last question? A. I don't think  
it right; I was attorney in the case.  
Q. Taylor, do you object to answering that question? A. Yes, sir.  
Q. Do you refuse to answer that question, do you? A. I had rather not  
answer it.

Q. Either answer it or say you don't answer it? A. I had rather  
answer it.  
Q. Taylor, you have answered a number of questions down to this  
point, and it is at this point that you prefer to plead your  
privilege, as an attorney, do you? A. Yes, sir.

Com'r Breckinridge: The court in regard to these matters  
is lodged in the United States. The Court is clothed with  
special power with reference to matters which arise through this  
Commission. Of course the Commission desires and the Government  
needs for the sake of a correct roll the fullest information  
possible, but it is subject to the limitation of law, and it  
is not for this Commission to decide of the law in a matter of  
this character with any authority as I understand it at this  
time, but to report the matter to the United States Court  
and let the Court pass judgment.

Under section 11 of the 1875 Act it is commonly called Act of June 25, 1875, the members of the Commission shall perform in all things required of them by law, have authority to administer oaths, examine witnesses and for papers and records, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers as on to say so far as all others are concerned to enable said Commission to take rolls and return required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what is commonly considered a matter of privilege--to depend on an authority referred to by an attorney, but the enforcement of that answer seems clearly to be a matter for the Court to deal with.

Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct you to make answer, and if you refuse I shall report the matter to the United States Court to your disadvantage? A Yes, sir.

Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined to the time to make answer; viz: as to whether Mr. Dawson said you were to pay to the Court or to any officials of the Court, if you were to come to the question as to whether there was any conversation between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the ground that it was Mr. Dawson's attorney? A Yes, sir.

Now, I want to ask you as to that question, do you object? A Yes, sir.

I will also report that referred to the United States Court as to your refusal to come under the provision of law, relating to conspiracy, and that you and Mr. Dawson which apparently considered a privilege. Now, you are your refusal now, and upon the ground that you are consulting yourself, and that you have counsel for Mr. Dawson. I will report the matter to the Court and you will be informed as to the result of any proceedings in the matter I desire you not to talk with Dawson or any of the applicants in this case.

Mr. McKenyon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incoherence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COMMISSIONER BRECKINRIDGE:

Will you still refuse having the consent of the attorneys in the case to answer? A I will just ask your Honor to let the matter go until morning.

Commissioner Breckinridge: It will rest until it is adjourned at its present status: it is after business hours now.

As for the objection made by Captain McKenyon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow or after noon, March 12, 1902.)

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
F. M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:

Mr. A. S. McKennon, of Counsel for applicants.  
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BERGE, being duly sworn, testified as follows  
part of the Cherokee Nation:  
Q. HUTCHINGS:

Q. Where were you born? A. Samuel H. Berge.  
Q. Where do you reside? A. Fort Gibson.  
Q. How old are you? A. I am 72 years old, going in 71.  
Q. Are you a citizen of the Cherokee Nation? A. Yes, sir; Cherokee  
Nad.  
Q. What official position you have held in the Cherokee Nation  
and your general connection with the Nation officially in the  
past years? A. Well, I held several; I have been sheriff,  
Justice, Senator, Delegate to Washington; had a hand in making  
the treaty of 1866, I am the only one living that signed that treaty;  
President of the National Council of different tribes of Indians.  
Q. Were you acquainted with F. M. Dawson, commonly called "Dunc"  
Dawson? A. Yes, sir; I know him.  
Q. State your connection with and what you know about his citizenship  
case before what is known as the Thomas Tenge Citizenship Court?  
A. Mr. Dawson came down, I was living down below here, he come and  
asked me to look to his case and we went to Tahlequah, I believe  
he had it taken in 1891 or '92, filed his case there; we went  
down there and continued his case on for the want of evidence,  
finally while we was up there we run across one old darkey by  
the name of Josh Rogers; we got his testimony and after we got  
his testimony we concluded that it was sufficient to go into the  
Court. Josh lived down at Fort Gibson, he was a horse trainer  
and he had stage there; he claimed that he knew the Rogers and  
he told me of them a while after that we thought we had sufficient  
evidence we submitted our case to the Court for trial, and the Court  
did not work and rendered a decision against Mr. Dawson.  
Q. Did Mr. Dawson right there that "our case is dough", just made  
that remark, and he just made the remark "never mind", and next  
day they taken up his case again and they rendered a decision in  
his favor. I filed no motion nor any evidence at all whatever; I  
was the case up right there and the decision was then given in his  
favor, and on our way back from Tahlequah, why we got to talking  
about the case and I told him: "it was a pretty hard blow when they  
made that decision against us." He said: "yes, but Duncan said  
I had to teach", and he reached his pocket five hundred dollars.  
Q. What position did Duncan occupy? A. He was a Clerk of the Court.  
Q. Where an educated man or-? Yes, sir; he was an educated man.  
Q. Who were the members of the Court? A. Tom Tenge, Alex Wolfe and  
Thompson.  
Q. How many of these could speak English at all? A. One.  
Q. Who was that? A. Thompson.  
Q. Who was the Attorney that represented the Nation in those cases?  
A. Tom Tenge.



Q What was his given name? A Wilson Sanders; was it Wilson Sanders?  
A Wilson Sanders.

Q Was he an educated man, or could speak English well? A No, sir.

Q Did Mr. Dawson say anything about the matters having cost him a considerable amount of money? A He said it had cost him a right smart.

Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventually and I told him I didn't know.

MR. McKEITHEN:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man come to residence at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about the case, but and I interceded and done what I could there before the committee. I was not a witness but the fact I don't for him.

Q That was Mr. Graham, wasn't it? A Yes, sir.

Q Have you had conversations with Mr. Graham since that time about it? A No, I might, I don't recollect, I might have had conversations with him.

Q Well, after the Dawes Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?

A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.

Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all I know; that is as I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that he just the words he used.

Q Where? A It has been sometime ago.

Q Where in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.

Q Well, didn't you here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?

A No, sir; he was basing his claim on the Dawson case, that is the way he-

Q What is the principal Dawson family? A Yes.

Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)

A Yesterday I reckon.

Q Who came to take this? A Mr. Starr.

Q Who else was present when this was taken? A No, sir.

Q How had you told about this matter, Judge? A No one as I know of.

Q Do you know how it was that they knew that you knew this?

A No, sir.

Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Seales, he and his

talked about these cases a good many times; if I ever made a statement it was to Joe Ab Seales.

Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he goes, he says "we understand that you know something in regard to these cases", I said "what case," and he went to work and named Showmake case and Dawson case.

Q And thereupon you made this statement? A He said he wanted to qualify me.

Q Are you certain Judge that after the rendition of the judgment Mr. Dawson came back here to Fort Gibson with you?

A Yes, sir; we was together.

Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.

Q And returned here together? A Yes, sir.

Q Did he not leave you there and go back direct to Arkansas?

A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Robbins Falls up here to my house, that is according to his statement.

Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.

Q How did they pay you? A Paid me the money.

Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.

Q Mr. Graham? A Yes.

Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.

Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.

Q Where did he pay you the money? A Paid it here at home.

Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundred dollars.

Q You were acting as his attorney in the case? A Yes, sir.

Q How many judges were there present when the judgment was rendered?

A In his case?

Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Teher and Wolfe.

Q Don't you remember that they were all present? A No, I think they were present though.

Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.

Q Were there several in the house the evening before the judgment was rendered against that as you say? A Yes, there were several in the house.

Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.

Q Do you remember the names of any of them? A Why not exactly, mostly full names.

Q How long did you remain out at Tahlequah on that trip?

A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A No, sir.

Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present)?  
A I don't know whether the judges received any or not.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rossen.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.

BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today: have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.

Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones?

A No, the only thing that ever came up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.

Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. H. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.

Q Did you see him again that night? A Yes, sir; after supper I went down to his room.

Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.

Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.

Q You carried Dawson to him? A Yes, sir.

- Q Did you remain during the conversation? A Only a minute.
- Q What was said if naything while you were present? A Mr. Duncan said to Mr. Dawson and says "there is a hitch in your evidence."
- Q Go ahead and state what else he said? A He said "if that was frightened out it would be all right," and I turned and went away, saying, "gentlemen, I will go home."
- Q Do you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together yourself? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
- Q The next morning? A Yes, sir.
- Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q When it called up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
- Q Could they speak english at all? A Tehee could talk a little, talk some.
- Q Did that Court have open sessions all the time of what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
- Q Well, did they go out to that sort of executive session the next morning on the Dawson case? A Well, he went out when the case was submitted.
- Q And was the decision rendered that morning in their favor? A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
- Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
- Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
- Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it.
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Just submitted it on the testimony? A Yes, sir.
- MR. McKENNON:**
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

- Q When did you come to the Cherokee Nation? A Come here in 1885.
- Q How long have you been practicing law in the Cherokee Nation?
- A I think since '88.
- Q You have done a great deal of citizenship business haven't you?
- A Yes, sir.
- Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
- Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
- Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
- Q When was that? A I don't remember how long ago it has been.
- Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
- Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.
- Q Sending out propositions and obtaining cases for citizenship for people in the Cherokee Nation? A No, sir, it was for answering correspondence.
- Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
- Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.
- Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
- Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
- Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
- Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
- Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
- Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
- Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.
- Q He had no power to compel you to make a statement? A No, sir.
- Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
- Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.



Q You know when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?  
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.

Q You thought you would not be compelled to answer?

A I didn't think the law would compel me to make a statement.

Q How then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.

Q When the enrollment division of the Dawes Commission was in Tule Lake in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him I told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you? A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemaker both.

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.

Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.

Q If he would put up you would not testify? A That they could not force me to testify.

Q About the month of February, 1901, in the town of Pagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "you people are on the doubtful list and if you will give me \$500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on?" A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.

Q You did not say to him then what I have extracted in that question weren't? A No, sir.

Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.

Q You say you didn't take any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you send for him to come to the hotel? A In answer to his letter.



A Did you not yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will not get it?" No, sir; I says to Mr. Shoemaker, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came on fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I mean't not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used?

A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if so would you make him all rights for him? A No, sir; I didn't ask that; no, I didn't. If he had employe me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.

Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Defendant? A I was not in the Court house.

Q You were present in Tahlequah? A Yes, sir.

Q How long had you been at Tahlequah? A I was living there at that time.

Q When were you first employed by them? A By Dawson?

Q Yes, sir. A The evening before the case was tried.

Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.

Q And told you to hand to Duncan? A No, sir.

Q What was your statement? A That he paid me \$80 and says "I will send you some more in a short time, week or so."

Q And then he sent you \$100? A Yes, sir.

Q And wrote you to give D. W. C. Duncan \$60 of it? A Yes, sir.

Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.

Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.

Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I wasn't be sure about it being \$50 or \$100--I went to Stapler's and got him to cash the check and give him his part of it.

Q How much did they pay you for your services? A That is all I got.

Q How much? A I think it was \$100, \$120.

Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.

Q Submitted it without remarks? A Yes, sir.

Q And for that you say they paid you \$120? A Yes, sir; \$120.

Q Was Houston Benge present when that was done? A No, sir; I don't think he was.

Q Did you see him then at that time in Tahlequah? A I don't remember.

Q Were you associated with him in any manner in connection with the case? A No, sir.

Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.

Q Were you paid like fees in other cases for like services? A Yes, sir.

Q In many of them? A Yes, sir, good many.

Q All like cases? A Oh, citizenship cases.

Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Lellette can remember, he was there, he was my attorney.

Q Was it about 1863? A It was somewhere along there, along in 1860 somewhere.

Q That has been your principal business as a lawyer, has it not? A Yes, sir.

Q You have never practiced such in any other way have you? A Very little.

Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$50 a family for doing that? A Yes, sir.

Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HUTTONS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case? A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKernan: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be employed in the matter, a long time ago, that if I had been employed in the matter of course by position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKERNAN:

Q Now, have you a license to practice in the United States Court? A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. BUCHINGES:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Arton.

Q How old are you? A 72 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of P. M. Dawson and the other Dawson? A I know old man James Dawson.

Q What is the one I mean, old man James Dawson? A Yes, sir; I know him.

Q How long have you known him? A Well, some fourteen or fifteen years I guess.

Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 30 odd years.

Q Well, when did you come to the country, or you first? A Along about somewhere in eighty if I recollect right, might have been later than that.

Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he seems a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. MCKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first know him he was that kind of man? A Yes, sir.

J. L. GLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Glinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 56.

Q Were you ever an applicant for citizenship before the Teehee citizenship Court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Mack Dawsont? A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Shuffow.

Q You and he stopped there, did you board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

A Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?

A Well, he was there to do some business and we talked about it at different times, as in talking about the evidence we had there

I, of course, had no law book witness I had a d that I could prove that he was a citizen that he didn't have but one witness.

Mr. Dawsont from Tahlequah, that was 25 or 30 years old, he said, now he had some money and he was to have it his money, but he hadn't done.

Q Well, what did he say about the doctor's having a witness?

A Well, he said a man of 25 or 30 years old was there, but he wasn't

Q Well, did he say anything about giving him money?

A Well, he said he could give him some money of his own money and he would want that money and so on.



Q Did he say anything about if money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was not made the law go down in Texas and he said "I come to get the law of the land" and he says "I found out it goes here," or words to that effect.

Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.

Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.

Q Well, where did he go from there? A He and I left there together; he went to packages by way of Fort Gibson and there we parted.

Q Did you ever see him after that? A I saw him about two years or something like that afterwards.

Q Where? A Vinita.

Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.

Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

I. R. McKIMMON:

Q Your first conversation with him was in '81 was it? A Yes, sir.

Q What time in '81? A September.

Q You were then an applicant for citizenship? A Yes, sir.

Q Were you admitted? A No, sir.

Q You are still an applicant? A No, sir.

Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.

Q What business are you in now? A I am running a dairy in Vinita.

Q When did you make representations now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.

Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.

Q You don't know how they found that out? A No, sir.

Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.

Q Now, did you approach him or did he approach you? A He approached me.

Q You know any? A No, sir; I suppose somebody I have told someone at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.

Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he didn't; he said he was 85 or 90 years old; he said he didn't know what fit up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.

Q Now, he said that did get? A Yes, sir.

Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.

Q How long you next saw Dawson at Vinita? A Yes, sir.

Q How long; afterwards was that? A About two years, I think something near that.

Q Did he move to the Territory? A Yes, sir; he lived at Vinita at one time.

- Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I want the others to the country.
- Q Do you run a dairy wagon there? A No, sir.
- Q You serve on the jury a good deal? A I have been serving on the petit jury there this winter.
- Q Generally? No, sir.
- Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

G. G. BRAUGHT, being duly sworn, testified as follows on part of the Herokee Nation:  
MR. HITCHINGS:

- Q State your name? A G. G. Braught.
- Q What is your age? A 68 29th day of last January.
- Q What is your post office? A Fairland.
- Q How long have you been living in the neighborhood of Fairland? A Been living there 19 years.
- Q Do you know one Bud Dawson or F. H. Dawson as his name is? A I do.
- Q How long have you known him? A About 10 years.
- Q How close do you live from him? A Half a mile of him.
- Q Does he still own that place? A I think he does.
- Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.
- Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.
- Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations or near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.
- Q Did he state the name of that witness? A No, he did not.
- Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.
- Q Do you know what time of the year that was, whether it was in the summer or not? A I think it was in June.
- Q Did he make any other statements to you at any other time? A No, sir, I don't think he has in regards to that matter.
- Q You have been living neighbors with him? A Yes, sir.
- MR. MCKENNON:
- Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.
- Q You were an applicant; were you admitted? A No, sir.
- Q Have you been admitted? A No, sir.
- Q You are still an applicant? A Yes, sir.
- Q Still trying to get in? A Yes, sir.
- Q Where was this conversation had? A Had at Bud Dawson's house.
- Q What part of the residence that is, in his residence? A Yes, sir.
- Q In the house? A Yes, sir.
- Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.
- Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.
- Q Saw one rock? A Yes, sir.



Q And in that room he made this statement to you? A Yes, sir.  
 Q He and you are enemies are you not? A No, I don't think we are enemies.  
 Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.  
 Q Haven't you had considerable trouble about the lands betwixt your farms? A No, sir, we ain't had any trouble.  
 Q Didn't you have his little boy arrested recently for a difficulty?  
 A Yes, sir.  
 Q And you say that you are not on bad terms with him?  
 A Why we speak, have conversations, have fight fight along all the time.  
 Q Is it not a fact now that you and he have been all the while at odds? A No, sir.  
 Q You don't have any unkind feeling towards him? A No, sir.  
 Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1908.

Commission convened pursuant to adjournment.

Appearances:

Mr. A. B. McKennon, of Counsel for Applicants.  
 Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

G. G. BRAUGH, re-called, further testified:

MR. McKENNON:

Q Mr. Braugh, you were a claimant under the Watts family are you not? A Yes, sir.  
 (witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.  
 Q What is your post office? A Dawson Tex.  
 Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.  
 Q Recognized as such are you? A Yes, sir.  
 Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewhere between 44 and 45 years old.  
 Q Were you personally acquainted with one Elbert or Buck Dawson?  
 A I knew Buck Dawson when I saw him.  
 Q Did you know him in the State of Texas, if so state what time?  
 A I knew Buck Dawson, knew him and saw him at different dates in Texas.  
 Q Well, in the year '81 in Clay County, Texas, did you ever see him?  
 A I saw him '81 or '82, I think I know him in both places.  
 Q Did you ever have any conversation with him in the presence of Bill Smith, James Stewart and Joe Stewart about his application for an allotment in the Cherokee Nation? A Yes, Dawson and I were there talking in regard to that and there were some other men.

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."

Q What did he say about making a pilgrimage? A He said he was going to the Chickasaw Nation and drove up and got him some grass.

Q Who was that? A Buck Dawson.

Q Well, did anybody suggest about his going to the Cherokee Nation?

A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home? I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles speaks up and says "majority of them."

Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punches, and Mr. Pickett says "Hell, I am going; brother John is getting ready to go now."

Q Well, then what did he say to you? A He says "who are your best lawyers up there, Kenney," and I told him "Hoolley Bell was counted the brainiest man in our country."

Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?

A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKernon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKernon:

Q Were you born an' reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Burr County, Texas. B. W. Alberty was my guardian.

Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.

Q About what time? A It was sometime in '86 though.

Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.

Q When? A I think it was in '87 or '88.

Q Haven't you been arrested for crime and charged with crime?

A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.

Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.

MR. HASTINGS, of Counsel for Cherokee Nation:

Q Were you ever convicted? A No, sir.

Mr. McKernon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BARRETT, being duly sworn, testified as follows on part of the Cherokee Nation:

Mr. BARRETT:

Q State your name, please? A Thomas B. Barrett.

Q What is your date of birth? A Helvin.

Q What is your age? A 30.

Q How far are you related by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.

Q Were you in Tahlequah about the time he had an application before the Spears or Snake Pappy Citizenship Court? A Yes, sir; I was there about the time the case was settled.

Q Did you know Aaron Butler? A Yes, sir.

Q Who was he? A He was a Cherokee Interpreter for the Court.

Q Do you know James Smith? A Yes, sir.

Q Who was he? A He was the Nation's attorney before the Court.

Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.

Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.

Q Well, did he say anything about whether he could get his case submitted if he had more money? A Well, from the language to me a d Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.

Q Well, did you let him have the ten dollars? A Yes, sir.

Q Where did they go then? A They walked off up towards town.

Q Did they go together, those three? A Yes, sir.

MR. MCKENNON:

Q Was that James Dawson, the leading applicant in that case?

A Yes, best of my recollection that was.

Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.

Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.

Q Is he living or dead? A I don't know.

Q Where have you been living? A I have been living down here near Tahlequah.

Q What was the man's name, Dawson's name? A Jim Dawson I think.

Q You are certain of that? A Yes, sir; I'm pretty certain.

Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.

Q Dawson took you off to one side? A Butler took me to where Dawson was and int advised me to Dawson and vouched for Dawson being all right for the money.

Q When did you first make a statement of this matter to anybody?

A I guess—I don't remember when.

Q How long have you been in Muskogee this time?

A I have been here since, I was summoned here last Friday.

Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.

Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.

Q Were you born a citizen? A Yes, sir.

Q You weren't admitted to citizenship by the Courts or Councils?

A No, sir.

Q You have been living in the Cherokee Nation all your life?

A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, by recollection.

Mr. McKesson: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in y yo an; days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what?

A None but the Cherokees, the full-bloods called him Joe Aney.

Q That does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know.

he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I know the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.

Q The Rogers case was talked of here for many years, they claiming kin?

A I never knew until I understood they claimed to be kin to the Vanns, and I visited myself that my family was prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a sister or half sister by the name of Annie, like on Alvin's, sir.

Mr. McKesson: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

JOHN TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A John Tolliver Dawson.



Q What relation are you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.

Q Who was your father? A Samuel Riley Dawson.

Q What did you say your father's name was? A Mile Dawson.

Q Do you know what his full name was? A Samuel Riley Dawson.

Q What children had your father? A Why, he has got, you mean his first children or his whole family?

Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.

Q Just one or two of them I care for; is Mrs. Lewis your sister?

A Yes, sir.

Q Your full sister? A Yes, sir.

Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.

Q How was she the parents of your father, Samuel Dawson?

A Why Sam Dawson was his father.

Q Sam Dawson was his father? A Yes, sir.

Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.

Q What was her given name? A Annie.

Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.

Q Saw him? A Yes, sir.

Q Do you know about how old he was when he died? A He was somewhere up about 90.

Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.

Q Was your father his youngest child? A Yes, sir.

Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.

Q He died in about '90 and was about 67 years old when he died?

A Yes, sir.

Q And he was the youngest child? A Yes, sir.

Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.

Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?

A Well, I heard my father speak about it, I don't know that I ever heard my grandfather say anything about it.

Q Well, what did he say about it? A I have heard him say his mother was not an Indian.

Q Did you father come here and apply once for citizenship?

A Yes, sir.

Q Was he admitted? A I think not.

Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.

Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKinnon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by stenographer M. E. Green)

I, J. O. Bosson, 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 his stenographic notes thereof.

(Signed) J. O. Bosson.

—00000000—

(Continued from testimony taken by Steno. J. O. Bosson.)

March 12th, 1902, at Muskogee, I. T.

Appearances:

Mr. A. S. McKennon and Mr. Hellette, attorneys for the applicants.

Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A Emma Brashiers.
- Q What was your maiden name? A Emma Dawson.
- Q What was your father's name? A Samuel Riley Dawson.
- Q What was his father's name? A Samuel.
- Q What was your grandfather's name? So far as you know from family history? A Her maiden name was Annie Pruett.
- Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
- Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
- Q And had a sister named Mrs. Petty? A Yes, sir.
- Q And another one named Mrs. Hodge? A Yes, sir.
- Q And another brother named John? A Yes, sir.
- Q What relation are you to Mrs. A. S. Lewis? A Sister.
- Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
- Q You have a distinct recollection of him? A I, yes, I can not see him, but I was small.
- Q About how old were you when your grandfather died? A About 8.
- Q Was your father's birth recorded in the family Bible? A Yes, sir.
- Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
- Q What because of it? A Got burned.
- Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
- Q In 1823? A Yes, sir.
- Q And how old was he when he died, if you recollect? A He was between 64 and 65.
- Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.



Q. You know whether in the family you grandfather was spoken of by the name of Annie, always? A. Yes, sir.

BY MR. MCKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q. State your name? A. Alex S. Lewis.

Q. What is your post-office? A. Dawson, Indian Territory.

Q. How old are? A. 59 years.

Q. What was your wife's maiden name? A. Elizabeth Parales Dawson.

Q. Who was your wife's father and mother? A. Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?

Q. Well, if you know the maiden name of your wife's mother, state how you know it? A. Well she was called Margaret, Margaret Queen or her maiden name.

Q. The maiden name now of your wife's father's mother? A. Why the maiden name of my wife's father's mother?

Q. Yes, sir? A. From what her husband and my father-in-law told me it was Annie Pruett.

Q. What was the name of your wife's father's father? A. My wife's grandfather on her father's side, Samuel Dawson.

Q. And his wife's maiden name was Annie Pruett? A. Yes, sir.

Q. Did you know the old gentleman, Samuel Dawson, your wife's grandfather? A. Yes, sir.

Q. Personally? A. Yes, sir.

Q. What opportunities had you to be acquainted with him? A. He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and he visited very often.

Q. When did he die? A. '74.

Q. Have you any particular method of recalling that date? A. Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.

Q. And when was your first child born? A. He was born December, '73.

Q. You know how old your wife's father was when he died? A. Why he was up in 60, but I don't remember his age.

Q. Did the old original Samuel Dawson ever tell you his age? A. Yes, sir, several times.

Q. How old was he at the time of his death? A. He was past 84.

Q. Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A. Told me she only had one brother named Bob Pruett.

Q. Have any of the members of the family named their children after him? A. Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his, - oldest child for this brother-in-law who was a particular favorite of his grandfather; he called it for him I understood.

Q. Now, what is his name? A. Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understood it was on account of his grandfather thinking, so much of Robert Pruett.

Q. Did you ever hear the old Samuel Dawson speak of his brother-in-law? A. Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.

Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?

Q Yes, sir? A John James, and Samuel R. These were the only ones of his children that I remember personally.

Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q Which was the oldest girl? That is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.

Q And John Dawson was the oldest boy? A Yes, sir.

Q And Samuel R. Dawson was the youngest boy? A Yes, sir.

Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told us.

Q What was that? A They said he was born in 1811.

Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.

Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.

Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.

Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.

Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.

Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. HOKENON:

Applicant's object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.

Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say

as to the date.

Q Before the Cherokee authorities? A Yes, sir.

Q Did he file an application before the Daves Commission in 1896 also? A Him.

Q Yes, sir? A I don't think he did, no sir.

Q Did you? A I did.

Q On account of your wife? A Yes, sir.

Q Did you take affidavit to that application? A No, sir.

Q Who did? A I don't know, don't remember now.

Q You applied for your wife as an Indian by blood did you not? A Yes, sir.

Q Are you still an applicant? A No, sir.

Q Is she? A No, sir.

Q She was denied was she? A Yes, sir.

Q Was there an appeal taken from that? A Application was filed if I remember, before the Daves Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there, and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.  
Q What? A Charge of murder.  
Q Anything else? A No, sir.  
Q Committed on the train? A Yes, sir.  
Q In a train robbery? A Yes, sir, in a train robbery.  
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.  
Q That all the crime you were ever charged with? A Yes, sir.  
Q Haven't you been having some trouble with the Dawson family?  
A Well personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.  
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.  
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A B. W. Alberty.  
Q What is your post-office? A Tahlequah.  
Q What is your present official position in the Cherokee Nation?  
A Assistant Executive Secretary of the Cherokee Nation.  
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.  
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.  
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)  
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No. 108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, William Dawson, James Dawson, Rial Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."  
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19th, 1883."

No. 100 Robert Dawson, "et al."

vs.

Cherokee Nation.

Testimony for Claimants.

Fitness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Herrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawson's grandfather on mother's side, and was frequently at my mother's house; though she Anna Pruet lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, when I was a little boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rosses Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and so and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married: I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiwassee River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawson's children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?

Ans. 1 Five, I think that's all

Ques. 2 Did you say something about someone being married twice?

Ans. 2 The claimant was married twice.

Ques. 3 Could Anna Pruet speak Cherokee?

Ans. 3 Yes she could speak it well

Ques. 4 Did Polly Rogers speak Cherokee?

Ans. 4 She could when she was young.

Ques. 5 How far do you live from Anna Pruet?

Ans. 5 Just across the river about 3/4 of a mile.

Ques. 6 Was Calhoun in the Cherokee Nation?

Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.



Ques. 7 Which Harnage was it want to Texas?  
 Ans. 7 George went first then John went they were the sons of  
 old man Harnage that lived up here near the line.  
 Ques. 8 Did the claimant go to Texas?  
 Ans. 8 No the claimant didn't go to Texas.  
 Ques. 9 What connection was claimant and Polly Rogers?  
 Ans. 9 The claimant is the son of Polly Rogers Marion here  
 is the grandson of Polly Rogers.  
 Ques. 10 Where does claimant now live?  
 Ans. 10 He lives in Carroll County, Arkansas.  
 Ques. 11 Do you know what relation old Captain John Rogers  
 was to Char'ette Rogers here in Coowesscoowee?  
 Ans. 11 They claimed kin but what kin I don't know there were  
 two Capt. John Rogers' in the Nation I am speaking of the time  
 when I first came to this 1830 Country about the year 1830.  
 Ques. 12 Was Anne Pruet the maiden name of Claimant's grandmother?  
 Ans. 12 Yes that was her maiden name the Indians called her  
 Sinee.  
 his

(signed) Arthur. A. X Baker.  
 mark

Witness' hand paralyzed is the reason he signs by a mark  
 thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case,  
 Robt," Decided by the Teehee Court in 1883. A. Riley Daw-  
 sons Step daughter a white woman married a white man, named  
 August Blaska."

BY MR. HUTCHINGS: We further introduce envelope N. 101, of  
 E. Dawson for his grand-children, versus the Cherokee Nation,  
 and its contents, to-wit: The Petition and affidavit of F. M.  
 Dawson, and the testimony of Joseph Dawson.  
 (Hands papers referred to to applicant's attorneys.)

BY MR. MCKENNON: To the introduction of all of which the  
 applicants object, because it is wholly incompetent and  
 irrelevant.

The envelope above introduced is indorsed as follows:

"No. 101. E. Dawson vs the Cherokee Nation. For his grand  
 children. Petition for citizenship. Filed Sept. 14th, 1883,  
 D. W. G. Duncan, Clerk of Com. Decided Sept. 15, to be Cherokee."

The contents of said envelope are as follows:

"Office of Commission on Citizenship.  
 Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,  
 No. 101. vs for his grand children,-  
 Lulu Dauthett,  
 Dallas Dauthett,

F. M. Dawson for claimant introduced sworn and in  
 open court testified as follows:  
 My name is F. M. Dawson. Am Cherokee by blood passed in  
 the Cherokee Nation on 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthett and Dallas Dauthett in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthett, the father of the Claimants, Lulu and Dallas is a white man Dauthett's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, who is now dead. The eldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old -- She has been dead about 4 years as well as I can recollect, She was about 17 years old when she was married.

his  
(signed) F. M. Dawson,  
mark

Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, Sept. 14, 1903.  
No. 181 E. Dawson  
for his grand children  
Lulu Dauthett  
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Joe Dawson, an a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I wa always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lulu, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grand-children and I have known them ever since they were born.  
By Solicitor:

Lulu is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or S. Fannie, Francis, Cartenas, Zanie, Bob, Smith, Worth, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his  
(signed) Joseph Dawson,  
mark

To the Commission on Citizenship,  
Tahlequah, C. N. Sept. 12, 1903.  
E. Dawson for grandchildren,  
Lulu Dauthett,  
Dallas Dauthett,  
vs

Cherokee Nation.  
Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Lulu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was admitted into the





"Two Indian Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relevant to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," as are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Journah Barber nee Journah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,  
Chairman.

This April 26th, 1889.  
(signed) D. L. Williams,  
Clk Com'n."

(signed) E. Munch, Commissioner,  
John E. Gunter, Com'r.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1837, Locket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889 Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al., } Office con. on citizenship.  
(vs) } Tahlequah, I. T. Sept. 27th, 1868.  
Cherokee Nation."

E. Dawson, who being duly sworn, upon his oath deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Cowascoochee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex. -

Joe Dawson has been dead about 35 years he lived west of the Mississippi river, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Connell Rogers,  
Clk. Com. on Citizenship.

This document is indorsed on back as follows:  
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson.  
OFFICE COMMISSION ON CITIZENSHIP.

Talleguah, Ind. Ter., Oct. 5, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,		male		
2	William A. Dawson,				
3	Richard A. Dawson,				

909

C. H. Taylor.

vs.

Applicant for  
Cherokee Citizenship,  
Census Rolls 1835  
Ancestor,  
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 26, 1889."

"Adverse to Claimant.

See decision in this case in Vol. 1 of S. R.  
Docket in Book (B) Page 90.  
This April 26, 1889.

D. S. Williams,  
Clk. Com.

Will P. Ross,  
Attorney.  
S. I. Dexter, Clk.

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196. - Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Poll of 18-- Amoseter Moton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144. Testimony on Journal- Page -- Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship: Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No	Name	Sex	Age	Relationship.
----	------	-----	-----	---------------

In witness whereof which application I hereto set my hand on this 4th day of October 1887.

(signed) Rebecca Dawson,

Boudinot & Rasmus,

Attorneys."

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind, Ter.

Tahlequah, August 28th, 1889.

Rebecca Dawson)

V. S.

(Cherokee Nation.) The above case was called and admitted by



Reasons without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and is not entitled to citizenship in the Cherokee Nation. West Office must Texas - - I. T.

(signed) WILL P. ROSS,  
Chairman,  
J. E. Gunter, Com.

The judgment found in Book O, Records of Commission on citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket	No	Names	Age	Sex	Post Office	Attorney,
	1	Rebecca Dawson	48	female	Emmett,	I. T.

1017

Boudinot & R.  
Applicant for  
Cherokee citizenship.

Genius Wells, 1835,  
to 1852.  
Ancestor,  
Moton.

V. S.  
Cherokee Nation.

Office Commission citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Reasons without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to citizenship in the Cherokee Nation.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. E. Gunter, Com.

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book O, page 145, - said judgment being rendered August 28th, 1889.

BY MR. MCKENNON: To all of which the applicants object, because the case is immaterial, irrelevant and incompetent.

The envelope just introduced is inserted on back as follows:

"198, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Moton, Texas, Age 44, years. Case in 1886 Hall of 16- Ancestor, Moton. Filed in -- Oct 12 1887 - Book 5 Page 144. Judgment of Court rendered August 28th, 1889. Application of Commission on citizenship, Cherokee Nation, Ind. Ter., Tahlequah, Aug. 28, 1889."

**"APPLICATION FOR CITIZENSHIP".**

To the Honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day takes this her Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1896, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Koton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully avails the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	13	Son.

In witness of which Application I hereunto set my hand on this 22nd day of October 1897.

Mary Dawson,

Roudsnot & Roscoe,  
Attorneys."

COMMISSION CITIZENSHIP,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, August 20th, 1899.

Mary Dawson,  
vs  
The Cherokee Nation } Application for Cherokee  
Citizenship.

The above named case having been submitted by F. F. Rogers, Attorney for Plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 13 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

W. F. Rogers,  
Chairman,  
J. E. Ginter, Secy."

Said envelope also contains the following:

**APPLICATION FOR CITIZENSHIP**  
TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day takes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an Act of the National Council, approved December 8th, 1896, creating your Commission. And respectfully makes the following statement of the grounds of this his application, to-wit: That James K. P. Dawson is the son of one Wiley Dawson and the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully avails the time when his Application shall be truly heard and tried



In accordance with the aforesaid law.  
Age - - years; Post-office - - -; family with their relation-  
ship attached is as follows:

Names,	Sex	Age	Relationship.
Willia A. Dawson	Male		Son,
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this  
the 4th day of Oct 1887.

(signed) James K. P. Dawson,  
C. H. Taylor, Attorney."

The judgment as recorded in Book C, page 145, of the  
records of the Cherokee Commission on Citizenship, is as  
follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	Female	Bowie, Texas.	
2	Walter Dawson,	18	Male		

Boudinot & R.

Applicant for  
Cherokee Citizenship.

Census Rolls 1835 to 1852  
Ancestor

vs.  
Cherokee Nation.

Office Commission on Citizenship,

Cherokee Nation, Ind. Ter.,

Tahlequah, Aug 26th, 1888.

The above case having been submitted by W. F. Ross, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. E. Gunter, Com."

BY MR. BOUNDINOT: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 50, of Book A, of the records of the Cherokee Nation, of the Cherokee Nation, which said records are now in the custody of the official the president is dated April 26th, 1888.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Locket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. REjected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.  
Tahlequah, I. T.,  
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.  
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to Citizenship by the Tom Terry Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,  
Post-office, (signed) A. J. Dawson &  
Nevada Mo. five children,  
by C. H. Taylor,  
Attorney."

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,  
Office Commission Citizenship,  
Tahlequah, C. N., Feby 11, 1887.

Docket No	Name	Age	Sex	
	Family			
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
2	E. E. Dawson,	16	"	"
3	Olive M. Dawson,	14	Female	"
4	William H. Dawson,	11	Male	Applicants for
5	Jessie K. Dawson,	9	"	Cherokee Citizenship.
6	Glennie D. Dawson,	8	Female	C. H. Taylor.
				Rolls 1835,

Rejected April 26, 1889, (red ink.)

V.S.  
Cherokee Nation.

Filed Feb'y 11, 1887.

Ancestors.

Adverse.

See decision in this case in that of L. R. Dawson, Book P. 20, rendered April 26- 1889.

D. S. Williams,  
Clk Com.\*

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,694. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,  
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind. Ter., Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed to S. H. Hayes, Tahlequah, I. T., (signed) D. L. Poyser, L.-P. M.

\*Commission to the Five Civilized Tribes,  
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.  
Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to take affidavit in form about as follows:

I, S. M. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Terr., that registry receipt no. 409, received from postmaster Hayes attached, is a receipt to said package, which contained two copies of the application of Andrew J. Dawson, and of the affidavits of E. Dawson and F. H. Dawson in support of same.  
(signed) S. M. Davidson

Subscribed and sworn to before me, at this place, on the 7th day of September, 1896.  
(seal)

(signed) W. H. Davidson

Notary Public, First Judicial District,  
of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly accepted for by the Chiefs and Governors.

XXX

For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKenna, Thomas B. Cabanis and Alexander S. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson, ~~Williar H. T. Dawson-Jesse K. D.~~ (Line in ink drawn through these names) for and on behalf of Monnie E. E. Dawson, Olive Hand Dawson, ~~Williar H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, Williar A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson~~ and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokees Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,

Andrew J. Dawson,  
Relationship:

Enrollment of family, with relationship attached, as follows:		
Name.	Age.	Relationship.
Minnie E. E. Dawson,	25	Daughter,
Olive Hand Dawson,	23	Daughter
Williar H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter,
James K. P. Dawson,	7	brother,
Williar A. Dawson,	18	Nephew,
Maggie E. Dawson,	3	Niece.
Richard A. Dawson,	17	Nephew,
Mary E. Dawson,	6	Niece.

IN WITNESS WHEREOF, I have set my hand this third day of September 1892.

(signed) Andrew J. Dawson,

Jurat on back as follows:

United States of America,  
Indian Territory,  
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,  
Subscribed and sworn to before me on this the 3rd day of  
September 1896.

(Seal) (signed) J. A. Tillotson,  
Notary Public.  
My Commission expires June 8<sup>th</sup> 1899.

Indian Territory, )  
Northern Judicial Dis- (ss.  
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwassee river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 68, an act of Nov. 17<sup>th</sup> 1843, page 96. also an act of Nov. 16 1849 page 304.

Affidavit further says that he is a blood relation of E. Dawson, F. H. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.  
Subscribed and sworn to before me this 3<sup>rd</sup> day of September  
A. D. 1896.

(Seal) (signed) J. A. Tillotson,  
Notary Public.  
My Commission expires June 8<sup>th</sup> 1899.

Indian Territory, )  
Judicial Dist. } S.S.

F. H. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have descended from the family of Joe Dawson and he was a brother of Samuel Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.







See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Moudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this the 5 day of Oct 1896.

(signed) D. J. Ball,

Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679. Court's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of F. C. Rogers and Sarah Carter as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

Record is shown by proof herewith filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander S. Montgomery, United States Commissioners authorized by Article of Compact of June 4, 1830, to hear and determine claims for citizenship in the Cherokee Nation.

Subscribed and sworn to before me this the 5 day of Oct 1896. (signed) D. J. Ball, Notary Public.

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, W. A. Dawson & F. H. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,  
(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

Names	Age	Relationship.
Joannah Barber,	60	Daughter of Elizabeth or Betsey
Isaac J. " Husband	65	Petty, ne Dawson, who was a
Onis E. "	26	daughter of Polly Dawson, nee
W. R. "	24	Rogers who was a daughter of
James E. "	18	Capt Jno Rogers and Ailey Rogers
Johny "	6	nee Varna a Cherokee Indian by
Joel A. Barber	39	blood as is shown by proof here- with filed.

In witness of which I hereto set my hand on this 6 day of August 1896.

(Signed) Joannah Barber.

Indorsed as follows: "Pd 2.50 No. 1000 Petition of Joannah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My fathers name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature Joannah Barber.

INDIAN SECRETARY,

FIRST JUDICIAL LEVIE

Now as this is a copy of my personally prepared copy of the J. State & Notary Public in the State of Ark. To the Hon. Joannah Barber, who being duly sworn upon his oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(Seal)"

(signed) W. J. Watts,  
Notary Public.

"(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian Territory.

Affidavit of S. R. Dawson.

Delaware District, )  
Cherokee Nation, )  
First Judicial Division, )  
U.S. Court, Indian Territory. ( SS

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joannah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joannah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of  
National Seal)

(signed) S. R. Dawson.

Subscribed & Sworn to before July 6 1892

(signed) T. R. Hubbard,  
Notary Public."

"United States of America,  
Indian Territory, (ss  
First Judicial Division.

I, William F. Rawns, a Notary Public within and for the Judicial Division aforesaid, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as presented to me at Tablequah, Ind. Terr., this the Third day of July A.D. 1893.

(signed) William F. Rawns,

Notary Public, First Judicial Division, Indian Territory.  
(Seal) My Commission expires Feb'y 3, 1897."

(A copy)

In the matter of the claim of Joannah Barber (nee Joannah Petty)

to Cherokee Indian citizenship in the Cherokee Nation,  
Ind Ter.

Affidavit of E. Dawson,  
Coconawee District,  
Cherokee Nation,  
First Judicial Division,  
U. S. Court, Ind. Ter.

E. Dawson, to me well known to be reliable  
and responsible after being duly sworn according to law states  
on oath that he is a Bonified citizen of the Cherokee Nation  
by blood- that he is a resident in said Nation that his post  
office address is Talsala, Ind Ter.-that he is 58 years of age-  
that he is well acquainted with the claimant Joannah Barber and  
has been as long as he has known any person- that she is a  
person of Cherokee Indian descent the her maiden name was  
Joannah Petty- that she was the daughter of one Elizabeth  
Petty, a person of Cherokee Indian descent- that Elizabeth  
Petty's maiden name was Elizabeth Dawson- that said Elizabeth  
Dawson was the daughter of one Polly Rogers a white son of  
Cherokee descent, who intermarried with Samuel Dawson, a white  
man, that the said Polly Rogers was the daughter of Captain  
John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the  
result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Februy 1893

(signed) A. E. Williams,  
Notary Public.

(Impress of  
National Seal  
Here.)

Com. Exrs. sept. 26/96.

United States of America,  
Indian Territory, S C  
First Judicial Division.

I, William F. Ramsis, a Notary Public within and for the  
First Judicial Division, Indian Territory, do hereby certify  
that the next above and that within one page of an affidavit  
is a true and literal copy of the original presented to me at  
Tahlequah, Ind Ter, this the third day of July A.D. 1893.

(signed) Wm. F. Ramsis.

(Seal) Notary Public, First Judicial Division; Indian Ter 1-  
tery, My Commission expires Februy 3, 1897.)

United States of America,  
Western District of Arkansas. SS.

In the case of one Joannah Barber claimant for citizenship  
in the Cherokee Nation, Indian Territory, as a Cherokee Indian  
by blood, before Cherokee Indian authority at Tahlequah,  
Cherokee Nation, Indian Territory.

Personally seen this day before me William F. Ramsis, a  
Commissioner U. S. Court within and for the District aforesaid  
duly authorized to administer oaths, A. Dawson, to me personally  
well known to be reputable and entitled to credit, and  
was being by me first duly sworn according to law, directly and

and says: My name is W. A. Dawson, my age is 58; my wife; my post-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I am by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joannah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- and was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joannah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(signed) W. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D. 1894.

(signed) W. F. Rasmus,  
United States Commissioner.

(seal)

UNITED STATES OF AMERICA. )  
Western District of Arkansas. )ss

In the case of Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner of the U. S. Dist. Court within and for the District also named duly authorized to administer oaths Francis H. Dawson, to be read personally well known to be reputable and entitled to -- and who -- duly sworn according to law deposes and says: My name is Francis H. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joannah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joannah Barber to be a first cousin- and I know that the said Joannah Barber therefore is of Cherokee Indian blood.

(signed) F. H. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this 27th day of November A.D. 1893.

(signed) W. F. Rasmus,  
United States Commissioner.

(seal)

Indorsed on back as follows: "I filed Feb 24 1897, W. A. Dawson, Clerk."



\*Page 24, Docket "B"

Joannah Barber,  
Office Commission on Citizenship,  
Tahlequah, C. N. August, 1887.

Docket No.	Names	Age	Sex	Post Office	Att.
1	Joannah Barber	61	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Era Barber	23	female		
5	Atta Barber	20	female		
6	Mary Barber	15	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1858	
9	Galaway Barber	27	male		
10	Toliver Barber	26	male	Ancestor	
11	Biley Barber	15	male		
12	Edgar Barber	9	male		

V.S.  
Filed Aug. 12, 1887.

John Rogers &  
Aloy Pruett

See decision this case in that of E. R. Dawson,  
adverse to claimant in this Book page 20.  
This April 26th, 1889.

D. S. Williams,  
Clerk com.

Will. P. Ross, Chairman,  
J. E. Gunter, Com.

\*S. R. Dawson.

Office Commission on Citizenship,  
Tahlequah, C. N. Aug. 11th, 1887.

Docket No.	Names	Age	Sex	Post Office	Att.
1	S. R. Dawson,	60		Catoosa, I. T.	
2	Paula Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katharine J.	35	female		
5	J. G. Dawson,	31	male		
6	Elian P. Dawson,	29	male		
7	Toliver Dawson,	27	male	applicant for	
8	Era Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Baker Dawson	male			
11	Robt. H. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	5		Ancestor	

Filed Aug. 11, 1887.

John Rogers

See this also under the above case for case involving  
Robert H. Dawson based his application for re-  
citizenship in the Cherokee Nation of his  
mother, Sarah Dawson, a white woman, who  
was married to John Baker Dawson, a white man,  
and she was a citizen of the Cherokee Nation  
by her husband. It is shown that she was  
of Cherokee blood. It is shown that she was





This affidavit states that he was 34 years of age, from his father, Charlie Rogers died, that his father never had any other family (like in 1870 when he was 10 years old) or sisters with the name of Rogers, and that his father, Poly Rogers never, in the application for citizenship, said that his name was not a name of his father, and that he never had but one sister viz. Cynthia Rogers, and that at least one heard of: that this affidavit was well acquainted with the said Cynthia Rogers.

Just here the following is inserted on separate papers:

EXECUTIVE DEPARTMENT OF  
CHEROKEE NATION, I, John L. Arday, Executive  
Secretary of the Cherokee Nation, do hereby certify that I  
have compared the foregoing with the original record in said  
Department, and find the same a true and correct copy of the original  
thereof.

In witness whereof I have hereunto set my hand and  
affixed the Great Seal of said Cherokee Nation, at Tahlequah,  
this, the 5th day of Feb., 1904.

(Signed) John L. Arday,  
Executive Secretary

(Seal)

Then the above affidavit continued:

\*(nee) Rogers that she lived with this said man's family for  
a number of years prior to her death.

Affiant states that he has often had of his father,  
Charlie Rogers & his wife Cynthia (nee Rogers), about  
his relatives; that they never spoke of any other sister in  
their family; that this affidavit was about 10 years of age that  
his aunt, Cynthia Rogers died; that they told him there never was  
(words "never was" marked over with ink) father never had any  
other daughter or daughter other than Cynthia Rogers.

Affiant states that his father told him a number of times,  
that this affidavit's grandfather or a John Rogers never had any  
other family other than the one above mentioned; that this  
affiant never heard his father Charlie Rogers say of his  
relatives speak of his grandfather Capt. John Rogers owning or  
managing a boat up any river.

Affiant states his father Charlie Rogers was born on  
St. Hubert, South side of Van Hook N. Mountains, in the year  
of 1817.

Further affidavit said as follows:

Subscribed and sworn to before me on this 1st day of  
October, 1904.

(Signed) J. L. Arday

(Seal) by Commission Charles J. Arday, Notary Public

Notary Public for Cherokee Nation  
Tahlequah, Cherokee Nation

Witness my hand and seal this 1st day of October, 1904.  
John L. Arday, Executive Secretary



Indorse on back as follows: "1894 80 National No. 1577, Commission No. .... In the application of No. 2. Joanna Barber, Deceased and Answer Filed Mar 13 1897 Jas. A. Winston, Clerk/ Filed Oct 7 1896 W. H. Jacobway, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

Duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4<sup>th</sup> 1896, to hear and determine all claims for citizenship of the five civilized Tribes of Indians, to-wit: Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Onis E. Barber, William R. Barber, James E. Barber, Jennie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Toliver Barber, George A. Barber, Frankie O. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Inez Barber.

In the matter of the application for citizenship in the Cherokee Nation of Era L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for citizenship in the Cherokee Nation of Mira Moore and her children, to-wit: Anna J. Moore, Jackson B. Moore, Rhenby Moore and Gladys Moore.

In the matter of the application for citizenship in the Cherokee Nation of Abbie L. Hunt and her child, to-wit: Bryan Hunt.

In the matter of the application for citizenship in the Cherokee Nation of Kasey J. Start and her children, to-wit: Georgia A. Start and Emory H. Start.

In the matter of the application for citizenship in the Cherokee Nation of Benjamin J. Carlinghouse and her children, to-wit: George O. Carlinghouse, Gora L. Carlinghouse and Birtie H. Carlinghouse.

Whereas that the Honorable Commission may clearly and fully understand the proof and merits of the claims of the aforesaid applicants, we deem it necessary to present to the Honorable Commission, the following statement of said applicants, to-wit:

Joanna Barber, whose maiden name was Joanna Polk, is a daughter of Elizabeth Polk, nee Dutton and a granddaughter of Polly Dutton, nee Rogers and a great-granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the following pedigree submitted,



Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Barber, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Eva Murray, whose maiden name was Eva Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Eva Moore, whose maiden name was Eva Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Garlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will admit the said claimants, together with their children, to be entitled to hold and enjoy in fee simple the lands and that you also be a part of each claimant, next of kin, and all of their ancestors and children, upon the Cherokee roll, and that you grant to all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Garland & Watts,  
Attorneys for Petitioners.

Indorsed on back as follows: "No 3 Filed Feb 24 1897,  
J. B. A. Finston, Clerk."

Commissioners,  
Henry L. Davis, Frank S. Armstrong, Archibald S. McKinnon,  
Thomas H. Cabanias, Alexander B. Montgomery—H. H. Jacoway,  
Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,  
Vinita, Indian Territory, Oct 2, 1896.  
Filed Sept. 8, Answer filed,  
Application denied.

Joanna Barber,  
vs.  
Cherokee Nation.

I, H. H. Jacoway, Jr., Secretary, do hereby certify that  
the above and foregoing is a true and correct copy of a printed  
Report A. page 297 of the Commission to the Five Civilized  
Tribes.

Given under my hand and official signature this 12  
day of Feb. 1897.

H. H. Jacoway, Jr.,  
Secretary.

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897  
Jas. A. Finston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED  
TRIBES.

Joanna Barber et al,  
vs.  
Cherokee Nation.

No. 1864.

AFFIDAVIT FOR APPEAL.

Now come the said Joanna Barber et al, applicants for citizen-  
ship in this case by W. H. [unclear] of their attorneys,  
and pray an appeal from the [unclear] of the Honorable  
Commission to the Five Civilized Tribes, Circuit Court as provided  
by the Act of Congress approved March 10th, 1896.  
And the said W. H. [unclear] do hereby swear and solemnly  
on behalf of said applicants that the appeal prayed for  
in this case is not taken for any purpose of delay but that  
justice may be done to said applicants.

Subscribed and sworn to before me this 12th day of Feb. 1897.  
(Signature)  
Notary Public

Filed for Court use.



Received of H. B. Macoway, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of  
- - - vs - - - Nation, as follows:

Witness my hand and official seal at Muskogee this the 20 day of Feb'y 1897.  
(SEAL) (signed) J. G. Winston, Clk."

Indorsement: "Court No. 1364. receipt for original papers in the case of Joanna Barber & al vs. Cherokee Nation, Received & filed this . . . day of . . . 189. . . Secretary."

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,  
NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

JOANNA BARBER-ONIS E. BARBER, WILLIAM R. BARBER, JAMES E. BARBER, JENNIE BARBER, JOEL A. BARBER, MARY A. BARBER, ERN MOORE, ATTIE L. HUNT, ALCEY J. SPART, APPELLANTS.

VS

CHEROKEE NATION,

APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows to-wit: The affidavits of E. Dawson, S. R. Dawson, W. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the fact that said appellants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the foregoing affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying same, during the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and denying the appellants the right of filing replication to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the law and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers as requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELFTH. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, to have be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and exhibits filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to appear

at this Court and plead and defend against the appeal. Show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)

F. F. Watts,  
A. R. Garland,  
W. J. Watts,  
Attorneys for Appellants.

Indorsed on back: "Cherokee Citizenship Case, No. 90 No 5 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

SUBPOENS.

SO WJW  
United States of America,  
Indian Territory, (ss,  
Northern District. )

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 1897— a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Onie E. Barber, M. R. Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, E. S. Moore, Abbie E. Hunt, Alcey J. Smart, who claim to be entitled to be included as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this subpoena within ten days after the actual service of this writ.

Witness the Honorable William H. Sawyer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 23rd day of Dec. 1896 A.D. 1896—

(signed) J. A. Winston, Clerk.

(SEAL)\*

MARSHAL'S RETURN.

I received this subpoena the 20th day of December A. D. 1896 and served the same as follows: W. F. Hutchings, Attorney for the Cherokee Nation and her accepted service on the 23rd day at Muskogee, Indian Territory on the 14th day of January 1897.

(signed) F. F. Watts

U.S. Marshal

By ..... DeWitt

Indorsed on back as follows: "Citizenship Case No. 90  
No. 6.. Nation... Surmons....Attorneys Claimants."

Joanna Barber et al.  
vs. No.90.  
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom this  
case was referred, submit the following report:

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,  
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL )

-vs- )

REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION. )

-----oCo-----

I, H. A. Gibson, Special Master herein, show to the Court  
that under the general order herein, I have examined the  
proofs of plaintiffs herein, which is hereto attached and made  
a part hereof, and that I find as follows:

I

That this cause was instituted on September 3th, 1896,  
before the Dawes Commission to the Five Civilized Tribes, by  
Joseph Barber, and Isaac J. Barber, her husband, and their  
children, Onis E., William E., James E., Johnnie and Joel A.  
Barber. That Joel A. Barber has the following children,  
Mattie Toliver, George A., Frankie C., Jesse and Ethel Barber.  
That the application includes also Mary A. Borer and her  
child Inez Borer, Emma L. Murphy and her child Claud Murphy,  
Eva Moore and her children Anna J., Jackson D., Ruby and  
Glady, Attie L. Hunt and her child Dorman Hunt, Albert J. Smart  
and her children Georgia A. and Erzey M. Smart, Joana J.  
Garlinghouse and her children Myrtle C., Cora L. and Bertha  
M. Garlinghouse. That this application was by the Commission  
tried and rejected on October 29th, 1896, with no reasons  
given for the decision, and that subsequently on December 23,  
1896, the claimants appealed to this Court. That the parties  
all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to  
citizenship in the Cherokee Nation by reason of their  
descent from Polly Rogers, who is claimed to be a Cherokee  
Indian by blood. That they filed in support of their application  
the affidavits of S. R. Dawson, E. Dawson, Francis J. Dawson,  
and F. A. Dawson, who testify that Joanna Barber is the  
daughter of Elizabeth Poley, ne Dawson, who was the daughter  
of Polly Rogers, who married a white man by the name of  
Samuel Dawson, and that Polly Rogers was the daughter of  
Captain John Rogers and Ailsiey Vann. That these witnesses  
are all Cherokee citizens by blood, acquainted with the

claimants, and according to their testimony, related to them by blood.

The appellee introduces in controversy this testimony the decision of the Cherokee Commission on citizenship, rendered in the year 1897, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Hudson family, who are recognized citizens of the Cherokee Nation by blood, and are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and was not born a citizen of the Cherokee Nation since the removal West; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage license and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, although they do not know that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That law has resided in the Cherokee Nation since 1837, and probably longer, but as the proof does not state definitely how long they have so resided.

I ask that the Court allow to a reasonable fee for my services here in a special master.

Respectfully submitted this 10 day of August, 1897.

(Signed) H. A. Gibson,  
SPECIAL MASTER.

By fee paid.

No Exceptions filed.

BY THE COURT.

From the report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, and their ancestors, through whom they claim have never resided in the Cherokee Nation since now considered. It appears that they have resided in the Cherokee Nation since 1837, and probably longer, but as the proof does not state definitely how long they have so resided. It does not appear that the claimants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the Special Master is hereby reversed, and the application of the claimants



to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "80 No. 7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jos A. Finston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "80 Joanna Barber et vs Cherokee Nation."

"NOTICE.

1890

UNITED STATES OF AMERICA ) In the United States Court for  
INDIAN TERRITORY (SS said District.  
NORTHERN DISTRICT. ) In the matter of the application  
of Joanna Barber et al to be  
enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court, to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereon the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 23 day of Dec. 1896. A.D. 189—.

(SEAL) (signed) J. A. Finston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being 238, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call special attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Mr. Baker in the case of Robert Dawson Against the Nation, number 108, before the Citizenship Commission, and which was made January 19, 1894.

BY MR. McKEOWN: We all of which the applicant's object, because the same is immaterial, irrelevant and incompetent.



The papers in Court No. 338, just introduced above, are as follows:

Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19, 1882.

No. 108.  
Robert Dawson et al ) Exhibit C.  
vs )  
Cherokee Nation. )

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:  
My name is Arthur A. Baker I reside at Berryville Arkansas Carroll County my age is 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side she was frequently at my mothers house though she Anna Pruet lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my mothers house she was mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my mothers and there at Louis Russes Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and she and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruet and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls. The children named in the petition I recognized as being the claimants.

Question by Solicitor:

- Q. 1 How many children did Polly Rogers have?
- Ans. 1 Five I think that's all.
- Q. 2 Did you say so earlier about some one being married twice?
- Ans. 2 The claimant was married twice.
- Q. 3 Could Anna Pruet speak Cherokee?
- Ans. 3 Yes, she could speak it well.

- Ques 4 Did Polly Rogers speak Cherokee?  
 Ans. 4 She did when she was young.  
 Ques 5 How far did you live from Anna Pruet?  
 Ans. 5 Just across the river about 3/4 of a mile.  
 Ques 6 Was Salhoun in the Cherokee Nation?  
 Ans. 6 It was on both sides of the river part in the Nation and part out in the state.  
 Ques 7 Which Harnage was it went to Texas?  
 7 George went first, then John went, they were the sons of old man Harnage, that lived up near the line.  
 Ques 8 Did the claimant go to Texas?  
 Ans. 8 No the claimant did not go to Texas.  
 9 What connection was claimant and Polly Rogers?  
 9 The claimant is the son of Polly Rogers  
 10 Marion here is the grandson of Polly Rogers.  
 10 Where does claimant now live?  
 10 He lives in Carroll Co Arkansas.  
 11 Do you know what relation old Capt John Rogers was to Samuel Rogers here in Cooweesacoowee?  
 11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first come to this country about the year 1831.  
 12 Was Anna Pruet the maiden name of claimants grandmother?  
 12 Yes that was her maiden name the Indian called her  
 Since his

(signed) Arthur x Baker  
mark

Witness hand paralyzed is the reason why he signed by a mark thus x

I P. F. Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(seal)

(signed) R. T. Hanks,  
Asst Exec Sec.

"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her father, who is a Cherokee Indian by blood. The said Joannah Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (Aley Vann) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Ed. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B, C, D, E and F.

Your petitioner states the above facts as the legal grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. My family consists of the following named persons: My husband and children as follows:

Wm. J. House, aged 34 years, Chas. C. House, aged 9 years; Wilson T. House, aged 8 years, Amy W. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.

(signed) Irene J. House.

Northern Judicial District, Ind. Ter. ss.

Personally appeared before me, the undersigned authority, Irene J. House, to be known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.

(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D. 1896.

(signed) J. Barricklaw,

Notary Public, My Commission expires June 8 1899."

(seal)

"EXHIBIT A.

Northern Judicial Division, Indian Territory.

Joannah Barber being duly sworn according to law, on oath states My name is Joannah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband occupation is Farmer I am a Cherokee in Coconawcoover Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (commonly called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13" 1863, moved with her husband children to the Indian Territory and settled near Talala I Territory

(signed) Joannah Barber

Subscribed and sworn to before me this 19<sup>th</sup> day of Aug. 1896.

(signed) J. Barricklaw,

Notary Public, My Commission expires June 8 1899

(seal)

"EXHIBIT B.

Indian Territory, Northern Judicial District ss.

F. H. Dawson being duly sworn according to law deposes and says:

My name is P. M. Dawson; I am 54 years of age; my post office address is Afton Indian Territory I am a farmer by occupation & I reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1838 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers

The said Elizabeth Petty was the mother of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, the facts stated as occurring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(signed) P. M. Dawson."

"Indian Territory,  
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by P. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896; and I further certify that the said P. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal)

(signed) John H. Koogler,  
Notary Public."

Northern Judicial District,  
Indian Territory

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states by name in said Dawson: I am 61 years old; by most official records of Salala, Ind. Ter. I am known by Occupation, and name in the Cherokee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and privileges of a Cherokee citizen now living in the present Cherokee Nation. I was born in Clark County Arkansas near Fayetteville, Ark. I was raised by Charles Dawson from my mother's name, and through my father Robert Dawson. My mother's name was Elizabeth Dawson, and I was born in the Cherokee Nation, and my father Robert Dawson was a member of the Cherokee Nation, and a citizen, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Pety were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson, his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Pety was the mother of Joann Barber who is a full cousin by blood of this affiant on the Indian side, the said Joann Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last capitation made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, and the one named Irena J. House.

I have made this statement before J. Barricklaw, Notary Public at Salala, Ind. Ter, and this affiant further states that he has no other claim or interest in the settlement of the claim for said money of the Cherokee Nation of the said Irena J. House.

I believe the above facts which are within the personal knowledge of the said affiant, and in the exercise of his discretion he knows and believes that the other facts which appeared before the recorder and affiant are established to be what he has been told, and in making out of a true statement.

That the relatives who exist among his people in the Cherokee Nation are known from his personal knowledge and that they are related to the Cherokee Indian side.

(Signed) E. Dawson.

Subscribed and sworn to before me this 10 day of August 1896

(signed) J. Barricklaw,

Notary Public, by Commission, expires June 3, 1899.  
(seal). Notary Public.



Cherokee Nation,  
Coover-coover District.

EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn: deposed and says, that he is well acquainted with Irene J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a niece of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irene House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irene House is a lineal descendant of Ammie Dawson whose children (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:

"No: 3699 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House v. S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McLennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

"Received of M. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and of ficial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."  
(Seal)"

Indorsed: "Court No. 338 No. 5464 Receipt for original papers in the case of Irene J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189...."

"Irene J. House et al,  
vs. No. 338  
Cherokee Nation.

Mr. W. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,

NORTHERN DISTRICT AT MUSKOGEE.



IRENE J. HOUSE ET AL

VS

238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

-----p00-----

I, N. A. Gibson, Special Master herein, show to the court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 2, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 20, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, P. L. Dawson, Arthur A. Baker, S. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission on Citizenship in the year 1897, and the record of the rejection of the claimants, and further the affidavits of W. J. Rogers, and Mrs. Sarah Carter, a grand daughter both of them state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter whose name was Cynthia.

III

The claimants contend that they are residents of the Cherokee Nation and are citizens of the Cherokee Nation.

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1837, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) H. A. Gibson,  
Special Master.

By fee paid,  
No exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al v Cherokee Nation Final Report of Special Master, filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. McKEHNON:

- Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
- Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
- Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.
- Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
- Q Were you in any way connected with the Cherokee citizenship Commission in 1883 known as the "Tahoe Commission"? A I was clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the existence of that Commission, existence of that Commission.

Q You were the only clerk it had during its existence were you?  
A I think I was.

Q You were clerk of that Commission when it rendered a decision in favor of Robert Dawson et al., as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.

Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.

Thomas Tebb, President of the Commission, Alex Wolfe and T. H. Thompson, Commissioners, that is correct, is it? A That's correct.

Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.

Q Were you at that time acquainted with F. M. Dawson, commonly called "Bud Dawson", Campbell Taylor and Samuel H. Benge, who were applicants, who were Cherokee attorneys at that time? A I might say that I merely knew Mr. Dawson; all I know of him was I met him there as a party to the suit. I knew Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.

Q They were recognized Cherokee citizens were they? A They were.

Q Was Taylor not known generally as a Citizenship Attorney?  
A I think he was.

Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.

Q How did he admitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?

Q Who called up the case? A No, I don't recollect.

Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.

Q Was that in favor of or against the applicants? A It was in favor of them; I will say this; that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.

Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.

Q Did Bud Dawson pay you any money in connection with that case?  
A He did not.

Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.

Q Or did you any money, either directly or through any other person? A For my influence in that case?

Q Yes, sir? A Never.

Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.

Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the session of the Commission; I saw but very little of him during the recesses of the Commission; now and then I would see him in passing.

Q Did you see anything in his conduct toward that Court which indicated that he had some undue influence in procuring that judg-

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.

Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered to him in that case?

A Yes, he paid me some.

Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.

Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before summer time I went to my hotel, The National Brick Hotel in Tablequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Dawson stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home, - he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me; I thought so had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stakes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him; he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlived under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in the way that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long, - I think I met him in White, and says he; did Camp Taylor pay you any money that I sent to you? says I, No, I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from said Dawson? A Never a cent.

Q Did he at any time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson?

A None at all.

Q He said you had no other money than that you have already stated; from Mr. Dawson? A Not a cent.

BY MR. MCKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Texas Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Teher, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

\*Office Commission on Citizenship,  
Tahlequah, C. N., September 24th, 1881.

No. 108

Robt Dawson,  
Elbert Dawson,  
Jasper Dawson,  
John Dawson,  
Josephine Dawson,  
Joseph Dawson,  
Jane Dawson,  
Molly Dawson,  
Wilbron Dawson,  
James Dawson,  
Hial Dawson,

Petition for Citizenship

vs.

Cherokee Nation.

Continued by the Plaintiff, Oct. 6, 1881.

January 13th, 1883.

The above case continued by the Cherokee Nation 11th Sept.



with... by the parties but the above shall not be taken  
up for final disposition before the 11th day of Oct. 1882.  
October 11, 1882

It is the order of the court that the parties shall  
appear before the court on the 11th day of Oct. 1882  
at 10 o'clock in the forenoon and the court shall  
then proceed to hear the case.

The court do hereby certify that the above is a true  
and correct copy of the original as the same appears  
in the records of the court and that the same is  
correctly transcribed by the undersigned clerk of the  
court. In witness whereof I have hereunto set my hand  
and the seal of the court at Tallahassee, Florida, this  
11th day of October, 1882. J. H. Dawson, Clerk of Court.  
on this day of the month of October, 1882, the following  
jurors were called and returned: Robert Dawson, F. H. Dawson,  
Robert Dawson, James Dawson, John Dawson, John Dawson,  
Joseph Dawson, John Dawson, John Dawson, William Dawson,  
John Dawson, and John Dawson, and the court do hereby  
certify that they are entitled to all the rights and privileges of  
jurors in this case and that they are hereby notified to  
appear for the trial of the case in all respects as notice is  
hereby given.

(Signed) J. H. Dawson,

President of Court.

D. F. C. Dawson,  
Clerk of Court.

Alex Wolfe,

Commissioner,

J. H. Dawson,

1882.

Transcript as sent to Tallahassee, January 11th, 1883,  
(Signed) D. F. C. Dawson, Clerk.

Original Note: Case admitted by circuit January 11th  
1883. Case ruled by solicitor January 11th, 1883.

Q. Do you recollect the report of the Court was in favor of  
this judgment was all or were all of them? A. My recollection  
from that time is not positive, but I believe it was upon what  
I know to be the report of the Court at the time, seeing the  
names of all the jurors there, I can say with a great  
deal of positiveness that they were all present, because I never  
signed the report of the Commissioners unless he was present  
and I believe he was present.

Q. Was the case contested to by either  
of the parties?  
A. Yes, the case was contested to by both parties.

Q. Was the case contested to by either  
of the parties?  
A. Yes, the case was contested to by both parties.



Q To you no order to have any other order of the judges  
to file about the court at that time that and about it I have  
been thinking, and I can't recall to mind that I saw any other  
Dayton except that, until after they have been in the country subsequent  
to the rendition of the judgment.  
A At that point a party who has been sitting in the post  
in view of a conviction of being held, it called forward,  
mostly on behalf of Philippine, arranged to follow until called.

BY MR. HURCHMAN:

Q Mr. Dutton, what is your business clerk of the United States  
Court? A It is a clerk who was appointed in December, 1932, at the  
time the Commission was organized immediately at the close of the  
Council in which they were appointed.

Q December 1932? A I think so.  
Q That are you, being rendering your services in your handwriting  
in 1932? A The Commission held its court after they were created  
sometimes.

Q That was the record in 1931 wasn't it? A Well, I don't think  
I don't believe to say upon the court was elected, I don't know  
said at that time I was business clerk, I was business clerk just at  
the close of the session of the National Council of that year.

Q 1932? A I think it was '34.  
Q You entered it, the judgment rendered January, 1933? A Yes,  
that was the session of the Commission.

Q That was before you were clerk of it? A Well I think I started  
ship for your time you know continuously.

Q Well but when you were a clerk that you were clerk of the  
Bar or were you named one? A No, I don't mean to say in 1932.

Q How could you be clerk when the Commission was created in  
1933 upon you were not elected until 1934? A I am not sure  
that, '34 means after '33, it was the year preceding 1933, it was  
then 1932.

Q Your first entry in the law book of the is, what is, 1932, isn't it?  
Q I don't recollect what my first entry was. (Attorney shows the  
record to witness) Yes, that is the entry there on that day.

Q And that was shortly after you became clerk wasn't it? A Yes,  
shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk?  
A I think so, yes; it was entered at the previous term of the  
session of the Commission.

Q In those proceedings you had the names of the three Commissioners  
signed in each judgment? A Yes, you say right?

(Attorney shows record to witness again) A That is by handwriting.  
Q All three names? A All three names.

Q The record shows that you were clerk of the court that day  
a transcript of the proceedings, do you know the date that? A  
I don't know the date.

Q You don't recollect that in, was the original  
of the record? A Yes, that is it.

Q The record shows that you were clerk of the court that day  
a transcript of the proceedings, do you know the date that? A  
I don't know the date.

Q The record shows that you were clerk of the court that day  
a transcript of the proceedings, do you know the date that? A  
I don't know the date.

Q Will you look at the original transcript hereby shown you and refer to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q That made you when you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the letters and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, not on that your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting; if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Jones and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was very certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And when the thing is signed under it, as compared with your own handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that; if I had considered the circumstances, I knew it was not my handwriting; what kind is of the opinion that that had not been in the habit of at least my writing signing his own name, and I was under the impression—and I do not now think I am much deceived—that his cursive is at least more resembling to my own, hence I doubted whether I had signed that name or not on that account.

Q You were right concerned at that time in your testimony of the fact that Mr. Thompson is more that that was his responsibility and not yours, didn't you? A Mr. Thompson I stated that that was my handwriting, not my job to go to ascertain whether I was the author or not, and all it is long as I could find that I was.

Q And he stated, did you too didn't you, that he always had had the original himself when he was present? A I do not recollect and I stated, that I used the word "always", at that time, but I don't think I was examined when the deposition was taken by it, and I don't know, but I do not recollect any examination of the fact that I was present, and occasionally I was not for

Q Then you never found out that your testimony given so often 15 or 20 years ago or half ago was wrong until you examined the book at least yesterday, and compared yours with the man's signature?

A I don't know that I have thought of it since that time until yesterday or day before yesterday, the examining the book.

Q He is the only recollection that you have got and the only one to your recollection that Thompson was present when this judgment was rendered was the fact that you saw his signature on it, in your handwriting, is it? A As a fact,

Q You can swear that you or not? A That possibly the handwriting side of recollection and I recollect not that the officials there were all present at the time that I signed it, I don't

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they are all present when the judgment was rendered? A Yes, that is, you know when a question of admission or rejection was voted upon.

A Yes, A They were present.

Q Did you take up the record at the time that they rendered the judgment, or was a transcript of it, and then write up the judgment part days afterwards? A The record was not written up in any way from the decision of any case, but I would make the record after adjournment, generally in the evening, and presented it next day or in the next session was had, for signature, that is the practice.

Q That in this case you wrote it up the very day that it was rendered didn't you? A I don't recollect as to that.

Q Did you then a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the time in the transcript.

Q That was a very unusual thing for you to do in writing up the judgment the day it was rendered?

Q In fact, you didn't write a transcript the day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q And that was the only record of kind that you had in any event of any kind? A I don't recollect, but if I don't recollect as to that, anybody else's knowledge.

Q That is what you are saying, you saw that a transcript was made up the day the judgment was rendered, that was the only record of kind that you had in any event of any kind, and that was the only record of kind that you had in any event of any kind, and that was the only record of kind that you had in any event of any kind.





January and a ... decided ... at the January, 1957 ... 1957, ... I said it ... although I ...

Q Well there is a ... 17th day of January ... upon the ... 1953; ... correct if it ...

Q I will see ... I don't want to ...

A I can't recall ...

Q ... in court? A I ...

Q ... Yes ...

Q ... as to ... I don't recall ...

Q ... in ...

Q ... only ...

Q ... Yes ...

Q ... (A) ...

I don't ...

A ...

Q ...

A ...

Q ...

A ...

Q ...

A ...

BY MR. MCKENNON: Applicant's object to all of the witness' testimony relating to the nature of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, etc. as far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

R. F. FORTNER, being first duly sworn, and being examined and testified as follows:

BY MR. MCKENNON:

- Q What is your name? A R. F. Fortner.
- Q What is your age? A 54.
- Q You are a physician are you not? A I am.
- Q Where do you reside? A Vinita, Indian Territory.
- Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Councils of the Indian Territory and of the American Medical Association, those are some, and the most important positions I hold at this time.
- Q Are you a Cherokee citizen? A I am.
- Q By blood or intermarriage? A Intermarriage.
- Q Your wife is a citizen? A Yes, sir.
- Q Do you know R. F. G. Bunch? A I do.
- Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
- Q Do you know his general reputation in the community where he resides for honesty and straightforwardness of character? A I do, I think.
- Q Is that good or bad? A It is good.
- Q Do you know Charles Taylor? A I do.
- Q How long have you known him? A About six or eight years, don't know exactly how long, known of him for ten years and originally I have known him about six or eight years.
- Q Do you know his general reputation for truth and veracity? A I do.
- Q Is that good or bad? A It is good.

BY MR. HASTINGS:

- Q Mr. Bunch belongs to the same church you belong to? A Yes, sir.
- Q How long for a member of your church? A Well, sir, I say I think he does, I have known him for some time.
- Q Don't keep up with all your members? A No, but he has attended church for some time and he has been in the church for some time.
- Q You didn't have any witnesses before the Oklahoma court of which he was clerk, did you? A No, sir, but I know of.
- Q You was not a witness when he was clerk of a court, was you?
- Q Never had any business with him, did you? A No, sir, business.

BY MR. MCKENNON:

- Q You were not a witness in the case of R. F. G. Bunch, were you?
- Q You were not a witness in the case of Charles Taylor, were you?
- Q You were not a witness in the case of R. F. G. Bunch, were you?
- Q You were not a witness in the case of Charles Taylor, were you?



Q What is the name of your firm and the registration date back to for  
the you know him? A So far as I know him.

O. W. MILLER, being duly sworn and being examined,  
testifies as follows:

BY HIS EXCELLENCY:

- Q What is your name? A O. W. Miller.
- Q What is your address? A 1111...
- Q How long have you been in the city of...? A Well I have lived there...
- Q How long have you known...? A I have known him twenty years.
- Q Do you know his general reputation for truth and honesty? A Well...
- Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

L. M. CURTIS, being duly sworn and being examined,  
testifies as follows:

BY HIS EXCELLENCY:

- Q What is your name? A L. M. Curtis.
- Q How long have you known...? A 30 years.
- Q Do you know his general reputation for truth and honesty? A I do.
- Q Is that good or bad? A Well, it is bad, I think.







Q His reputation for integrity is somewhat given by himself; is it  
 takes occasion to mention that very often himself; doesn't he?  
 A I don't know whether I am qualified to answer that.  
 Q Spending of his own money, he does that very frequently?  
 A He air, not that I know of.  
 Q Doesn't he write a good deal about that sort of thing? A About  
 his reputation.  
 Q Why in regard to his own integrity? A I don't remember  
 that he does.  
 Q You recollect about the citizenship matter along in 1891 '92 and  
 '93 were you? A No sir.  
 Q Don't recollect about the talk that was going on around the  
 Capitol over there about the citizenship matter? A Yes no, don't  
 recollect anything special as I know of. I recollect the citizenship  
 court going on at different times.  
 Q How far are you from the Capitol in 1891? A Well, I lived  
 close to Virginia, I guess it is sixty miles probably.  
 Q Have you lived any nearer Indiana since that time? A No sir,  
 never have.

M. L. BUTLER, being first duly sworn and being examined  
 testified as follows:

BY L.R. MCKENNON:

Q That is your name? A M. L. Butler.  
 Q You are a resident of the County? A Yes sir.  
 Q In E. Carey, South? A Yes sir.  
 Q How long have you been in the County? A I have been in the  
 County 22 years, sir.  
 Q Did you ever live in Indiana? A Yes sir.  
 Q How long was I was in Indiana? A I was in Indiana for  
 10 years, sir.  
 Q Do you recollect the name of the man who was in charge of the  
 of the...? A I don't know the name of the man who was in charge  
 of the...  
 Q I don't know the name of the man who was in charge of the...  
 Q Do you know the name of the man who was in charge of the...? A Yes sir.  
 Q In the...?  
 Q Mr. Anderson was a member of your County? A Yes sir.  
 Q That is the principal one you had of coming in contact with?  
 A Yes sir, he was a member of the official board.  
 Q His connection with the... that were decided by the  
 court of which he was clerk was never brought up in your...  
 A No sir.  
 Q Or never mentioned? A No sir, I know nothing about his  
 connection with it.  
 Q You didn't have any of your... in 1891? A Yes sir, I  
 was the pastor of the... in 1891.  
 Q Did you have any... other than admitted over  
 there by the...? A No sir, I know nothing about the  
 names of... and in... and the other  
 the... but I know nothing about  
 the... of it.  
 A I have nothing to say about the... of it.

THOMAS E. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. HARRISON:

- Q What is your name? A Thomas E. Chandler.
- Q How long have you lived in the District of Columbia? A 10 or 15.
- Q What is your business? A Deputy clerk of the United States Court of Appeals.
- Q How long have you lived in the District of Columbia? A All my life.
- Q Do you know U. S. C. Jackson? A Yes sir.
- Q How long have you known him? A Let me see, I have known him about nine or ten years.
- Q How is his general reputation for honesty and upright character in the community where he lives? A Yes sir.
- Q Is it good or bad? A About so far as I know.
- Q Do you know his moral character? A Yes sir.
- Q How long have you known him? A I think about 15 years.
- Q How is his general reputation for truth and honesty? A Yes sir.
- Q Is it good or bad? A About so far as I know.

BY MR. HITCHCOCK:

- Q How did you first get to know Taylor? A Well sir, I don't know how he got there.
- Q You never knew him until 1887? A Well I never knew him personally, I heard of him before that.
- Q He had a bad reputation before 1887? A Yes sir.
- Q Had reputation may have you said? A First I remember I ever heard of him I heard people talk about him, but I was a kid.
- Q And everybody talked about a woman the nation was talking about at all that Campbell was a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember, I think I heard it spoken of in '80, I don't know about the time.
- Q And Campbell was a very bad reputation in '80 and '81 what he began to have these allegations against? A Yes sir.
- Q You heard the woman he is married and heard the talk for these business? A Yes sir, I heard of his being in the Fort Smith Jail on that account.
- Q Did you hear the woman talked a good deal about Campbell's being in there and all that kind of matter? A Yes sir.
- Q And I think you heard of his bad reputation for being his wife, also, about that time.
- Q You heard the woman talking to get the money, he said, you have had this money? A Yes sir.
- Q No more about that out of the Campbell's matter? A Yes sir, I have none.
- Q You heard the woman talking to get the money, he said, you have had this money? A Yes sir.
- Q No more about that out of the Campbell's matter? A Yes sir, I have none.
- Q You heard the woman talking to get the money, he said, you have had this money? A Yes sir.
- Q No more about that out of the Campbell's matter? A Yes sir, I have none.

THE COURT: All right, you are discharged. THE WITNESS: Yes, your honor. THE COURT: All right.

Q So they never had any authority to take out the ...

A No sir.

Q Where did you live in '87 & in '88 I lived out on Jack Creek about 12 miles west of ...

Q How far from ... about 25 or 30 miles, I ...

Q You never ... citizenship ...

Q You don't ...

BY MR. MCKENNON: A ...

A. S. MCKENNON, of Carroll for Applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1880. I was ...

BY MR. MCKENNON:

Q How long did you live ... I resided in Carroll County until 1887 ...

Q Did you know ...

Q Did you ...

Q Did you ...

Q ...

Q ...

Q ...

Q ...

Q ...

Q ...



TESTIMONY ON BEHALF OF CRETOKER NATION.

DAVID MERRITT, being first duly sworn, and being examined, testified as follows:

BY MR. HUPONINGE:

- Q State your name? A David Merritt.  
Q Where do you reside? A Vinita.  
Q How old are you? A 70 years old.  
Q Did you ever know Jas. W. Dawson? A Yes sir.  
Q How long have you known him? A I know him probably 2 years.  
Q Did you ever have any talk with him about his citizenship case?  
A Very little.  
Q You were at one time an applicant before the Dawds Col. Is. on for citizenship were you not? A Yes sir.  
Q What did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.  
Q Where did that conversation take place? A At Affton.  
Q At what time? A It was in '33, early in '33.

BY MR. MCKENNON:

- Q Where were you when he told you that? A I was working on a house in Affton, building the house.  
Q Where house? A S. S. Haines.  
Q Who was the present? A He was the present.  
Q Where is he? A At Affton.  
Q How long has he been at that place? A I can't know, he was very old, probably 75 years old.  
Q Was he not a very feeble old man? A Yes sir.  
Q Hardly able to get around? A No sir.  
Q Was he not then regarded as a feeble minded old man? A I don't know whether he was or not.  
Q You don't know what he had to do with the case, in fact, himself, do you? A No, I wouldn't say himself a family that cost that much to get through, attorney's fees, etc. That is the way I took it.  
Q You were at the time you were there? A Yes sir.  
Q About the time that time.  
Q Before the Dawds citizenship? A Yes sir.  
Q They talked you? A Yes sir.  
Q You were at the time, three before the Dawds Col. Is. on was you?  
A Yes, I was there, I was there.  
Q How long have you known him? A Yes sir.  
Q Did you ever have any talk with him about his citizenship case?  
A Yes sir.  
Q How long have you known him? A Yes sir.  
Q Did you ever have any talk with him about his citizenship case?  
A Yes sir.  
Q How long have you known him? A Yes sir.  
Q Did you ever have any talk with him about his citizenship case?  
A Yes sir.

Q. Mr. Dawson, what number of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?

A. My brother from Texas was the first to file.

Q. Tell his name?

A. Robert Dawson, they all know him by that.

Q. When was that?

A. In '31, as well as I remember, or '32, I don't know which, it was in '31 or '32.

Q. Did you file your claim at that time?

A. My brother was the one who filed the application, my brother had Joel Hayes to make it out for him.

Q. That is by understanding?

A. Yes, sir.

Q. Before what court was that filed?

A. By understanding for the clerk of the court; Hastings can tell me what court he was clerk of.

Q. He was clerk of the court at that time?

A. Yes sir, of the citizenship court; that's my understanding.

Q. What was done about the case at that time, if you remember?

A. I went back home and left my brother down there at that time, that trip.

Q. Where did you then live?

A. I lived at Jerseyville, Arkansas.

Q. When did you next come to the Cherokee Nation?

A. I believe I came back the next January, that was in 1837.

Q. Was your brother back here then?

A. I don't think he was, I don't remember.

Q. Well had he at any time of the court or session of the Commission at any time after you first came here and filed the application until after it was decided?

A. No sir, I never saw him any more until that case was decided.

Q. You conducted the business then after that did you not?

A. Yes sir.

Q. The case was finally determined in January 1837?

A. '37, yes sir, the 15th day as I remember.

Q. Were you present at that hearing?

A. Yes sir.

Q. Was there any decision of that case other than the one of record here?

A. I never heard of it if there was.

Q. Was the judgment rendered in that case as recorded in the record book of that Commission and is the custody of the books considered the only judgment that was rendered in that case so far as you know?

A. Yes sir, so far as I know, if there was any I never heard of it in that case.

Q. You then knew of no decision against you in the case?

A. No sir.

Q. Who was your attorney employed at the beginning?

A. I employed A. H. Rosewood.

Q. Was he a Cherokee citizen?

A. Yes sir, I think so.

Q. Where did he live?

A. At Glasgow, by understanding.

Q. Was he present at the time before the Commission?

A. I never saw him, he never came to the Nation, but I don't know.

Q. Did you see him at any time?

A. Yes sir.

Q. How long was he there?

A. If he ever did I never knew.

Q. Was he ever employed by you?

A. My brother employed him.

or not I don't know; he was generally always at Washington City during the term those things.

Q Well what did he do about it? A I don't know, I couldn't say that he done anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and wanted to come down in January first and Campbell Taylor would see to it later before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Well what did you do then? A Well when the time come I come down on the city to Washington here and I was over from here to Fort Gibson and I was down to see Uncle Houston Benge and stays all night with him it was very cold weather, and I got him to come over and submit my case to the court; I went over on one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he could do so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.

Q Was Houston Benge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the commission? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument and submitted the case? A The next day, while all the commissioners were drove out of the house the first time before they went into secret session they wanted to get out the cigars in the court and the crowd in the house; after the decision was rendered then I went to get the cigars, and everybody come to me and told me to go and get the cigars and I done so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.

Q Did they then announce their opinion in the case? A Yes sir, they told me that I was granted by citizenship right and by the commission.

Q What did you do about it then? A Why the clerk wrote me out by certificate.

Q What day was that? A That same day.

Q What arrangement did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we was in there and he submitted on 7 cases then he wanted me to pay, he wanted to fifty dollars, that was his fee.

Q What was the arrangement about the money, the manner in which that fee should be paid? A My mother in law was to pay it.

Q Were you to make or was he to make? A He was to write for it.

Q Did you ever pay him his fee of fifty dollars?

A Yes sir.

Q Was the fee paid in full? A All he was to have; all he charge.

Q Where was he when he gave his decision at Fort Gibson the other day did you hear? A Yes sir.









Q Well, I made several trips out here a different time, to Tahlequah before the collision, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and when I rode one time to Clatsop to see A. B. Woodward.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and around Henge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 22 dollars, one of the other, I don't remember what it was; Abe Dawson, my brother-in-law, gave me the money, it was either 21 or 22 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I can't remember any other now, I can't call to my recollection right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, actually.

Q Were there any one of them that was better off than the others, and if so, which one? A I suppose Gilbert Dawson was better off than the others, and Dawson.

Q Do you know how much Dick Dawson paid of these expenses? A I don't think he paid, he paid the Henge debt and the Bryant debt, I think it was.

Q But is one hundred and fifty dollars? A Yes sir, then he got up on one trip and took some evidence with Joel Bryant when Joel Bryant was clerk of the Court before this Texas Court, I don't know what that cost him.

Q Came up and said took some to testify? A Yes, came up and went back to Texas, filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I got him there and then I went back home and he took him at Tahlequah.

Q He had to do the testimony before you left him or after him? A He taken it after him; that was my understanding.

Q Did Dick Dawson pay the one hundred and fifty dollars that you mentioned? A I think it was.

Q Did you know of any other witnesses there? A Yes sir, I know of some other witnesses, but I don't know the names of your family.

Q Did you know of any other witnesses there in Tahlequah, or any other place? A I don't know of any other witnesses there in Tahlequah, or any other place.

Q Did you know of any other witnesses there in June 1853 you mentioned? A I don't know of any other witnesses there in June 1853 you mentioned.

Q Did you know of any other witnesses there? A I don't know of any other witnesses there.

Q Did you pay any witness any money? A No sir, I paid for  
witness for his time; he said his time was worth \$5 dollars a day,  
and I paid it.

Q Did you pay any other witness any money than that? A No sir,  
no other witness was I paid for there in y' case.

Q Tell the Robert Dawson case? A Yes sir.

Q No case that you told him this in your house there on your  
place, did you have any house there in June 1887? A I was not  
living there at that time.

Q Did you have any case? A Didn't have any.

Q When did you build a house there? A I built a house on the  
farm I live in now by Mr. Bennett, I moved on the farm the last  
of July, 1887, and I occupied in y' wagon.

Q What did you do? A I went to the timber and cut poles and  
brought them out and had to a log cabin on the place by a spring  
running through.

Q About what time did you finish that house? A I was in  
Seattle then.

Q How long after you finished that house until you brought your  
family out? A I finished it up and got it covered and the floor in  
it and I went back to Arizona Springs after my wife.

Q What family did you have then? A I had my wife and she had one  
child, but my oldest children, by my first wife were with me in  
the Territory, coming with me three little boys and one girl  
were with me, and one girl back in Arizona.

Q Are you and C. G. Brought on good terms? A No sir.

Q What has been the character of the trouble between you? A  
Republic over our places first started it.

Q When did it begin? A As soon as I got back from Arizona he  
started riding crowding me out to take my farm, and y' place,  
and he has been in a racket ever since.

Q Then his statement that you were on friendly terms, is it correct  
or not? A No sir, it aint correct.

Q How did you have never been friendly to neighbors then since you  
first got back from Arizona and settled in the Territory? A I  
don't remember ever being in his house; I never was in his house.

Q Have you had any suits with each other? A Yes sir.

Q How many? A I don't know that we had any particular suits,  
but I have had two suits but he has been a witness against me.

Q That was your last trouble with him, was it not? A Aint last  
trouble.

Q That was when your boys had a little racket and he had your boy  
arrested? A Yes sir.

Q What was the age of those boys? A Eleven years old.

Q He had you arrested down at Vinita? A Yes sir, had him arrested  
and carried before the court down at Vinita.

Q He was a constable on account of, is not? A Yes sir.

Q What was the name of the constable? A Yes sir.

Q How long has he been dead? A Three years, little over three  
years.

Q And what was the name of the constable? A Yes sir.

Q Is your brother, James, still living? A No sir.

Q How long has he been dead? A I can't say, been dead  
some time, but I can't say how long, but I years, I couldn't  
say.

Q What was the name of the constable? A I believe it was in  
the Territory.

Q How long has he been dead? A I believe it was in  
the Territory.

Q How long has he been dead? A I believe it was in  
the Territory.

Q Those that lived here in the Nation they lived here in the Nation out went back to Arkneaw and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson, Robert Dawson, your father, never did live to the Territory, did he? A No.

Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson came down there with someone else who was introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.

Q He says that man James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.

Q How many James Dawson's were there belonging to your family? A There was my Uncle James Dawson and a brother James Dawson, the Doctor here.

Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.

Q About what age? A Must have been 60.

Q Between 60 and 70? A Yes sir.

Q What was the age of your brother James? A At that time?

Q Yes sir, in '84? A In '84 I suppose he was about 18, or thereabouts like that.

Q Was he anything to do with the James Dawson case? A No sir.

Q For or present at the time that the James Dawson case was under consideration? A No sir.

Q For James Dawson, your nephew James Dawson, present at any time during the consideration of his case? A No sir.

Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.

Q You conducted the prosecution of the James Dawson case before the Cherokee Citizens' Commission, who conducted it? A The James Dawson case?

Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.

Q Were you acting with them? A Yes sir.

Q They employed Campbell Taylor? A Yes sir.

Q Then there was no James Dawson present during that session of the Commission? No sir.

Q What was the condition of James Dawson's health at that time?

A It was pretty poorly; was not good.

Q Was he at that time able to get about and attend to business?

A I don't think he was.

Q Was he not a very feeble, infirm old man at that time? A Yes sir.

Q Regarded as rather a silly man was he not? A Yes sir.

Q Did he attend to any kind of business of the family at that time?

A No sir, didn't.

Q What was his financial condition? A Pretty bad.

Q Did he have any money? A No sir.

Q Did he have any property? A No, probably at all, or probably,

or a few dollars, or something like that.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q How about the other members of the family? A Yes sir.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.

Q Did all the members of Robert Dawson family move here? A Yes sir.

Q Except himself? A Yes sir.

Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.

Q She has never lived here? A No sir.

Q Well all the members of your family, your father's family included in that judgment of the committee, rendered January 11th, 1894? A All but one.

Q What was the name of that one? A Emma.

Q A daughter? A Daughter of Robert Dawson.

Q Your sister? A Yes sir.

Q How old then of age or was she a minor? A I think she was a minor, as well as I can remember.

Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.

Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my nieces.

Q What are their names? A Katie Vernon and Verba Flackback.

Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.

Q That was in 1894, the Cherokee Council admitted, re-admitted they called it, the three above named? A Yes sir. Mary and Verba Flackback and Katie Vernon, they have now the same names as except Vernon, it is now, Tob Robinson married the widow, she is now Mrs. Vernon.

Q Has there been any other consideration of the Dawson case by the Cherokee authorities at any time since from these two judgments in '87 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting those three who you have just named? A Yes sir.

Q About? A The two of my sons was placed on the roll by the act of Council in 1892 I think it was left off of the rolls in per capita payment and they was placed on the rolls I think, and saw nightingale member of Council, got their draft or checks for the money.

Q Have you got that copy of the act of Council admitting them? A Yes sir.

Q Where is it? A (Produces papers.)

BY MR. HENNING: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided that the names of the persons appearing on the per capita rolls in this act shall be placed on the authenticated roll of 1890 by the Principal Chief.

This act was approved December 21, 1891.

Approval signed by Stephen Jones, Assistant Acting Principal Chief, and by William H. Barboe, Assistant Principal Chief, and of Larien Dawson, for a like sum, Mrs. Dawson of 11,70, and of Larien Dawson, for a like sum, Mrs. Dawson

of the names of two of your sons? A Yes sir.

(This paper above introduced, is filed and made a part of the record in this case.)

Q Was there any other notice of the Cherokee authorities relating to members of your family? A Yes sir.



Q Then? A In 1894.

Q What was that? A Allowing them their Strip money.

Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. MCKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Hlesingare family, as follows: Jane, Elbert, Henry, James Ross Lennie, Pearl, Aros, Myrtle, Willie and Clifford. This act mentions these persons as Cherokees by blood, and those names had been left off the pay roll approved May 3, 1894, providing payment to each one of these a sum of \$265.70.

Q Were these members of the Robert Dawson family? A Yes sir.

Q Which one of the members of the family? A Jane.

Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.

Q And her children? A Her children, was not admitted, she was admitted.

Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was

to Cherokee citizens by blood only or not? A Yes sir.

Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.

Q What was that? A That, I think it was in '84.

Q Have you got a copy of that act? A No, the record is here.

Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. MCKENNON: We now offer in evidence a judgment of the Cherokee Commission on citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. MCKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,  
Tulsequah, Cherokee Nation, September 15th, 1884.

E. Dawson, for his grand-children, }  
No. 181.

Lula Douthett,

Dallas Douthett,

vs  
The Cherokee Nation.

{ C. H. Taylor,  
Atty Gen. Claim.

{ Petition filed September  
15th, 1884.



Case submitted by plaintiffs Sept. 14th, 1883.  
Case submitted by Solicitor, Sept. 14th, 1883.  
Continued by Petitioner Jan 22 1884 to September Court  
1884.  
Re-submitted September 2nd 1884, by Atty Taylor and Revert  
Submitted by defense Sept 9 1884.

And that on this the 17th day of September 1884 upon this  
case for final hearing and all the evidence in the case  
having been carefully read, and considered by the Commission  
on Citizenship it has been decided by the Commission that the  
above named Lull, Dauter and Dallas Hunt etc are Cherokee  
by blood, and that they are entitled to all the rights and  
privileges of Cherokee citizenship in the Cherokee Nation  
and that they should be, and are hereby admitted to the full  
and complete enjoyment of the same in all respects, as native  
born Cherokees.

W. H. Spear, Pres.

John Lee,

Andrew Young,

John L. Adair,

Ch. Com'n.

Commission on Citizenship.

Q. Now, were there any other notions of the Cherokee authorities  
of like character relating to the members of your family?

A. I don't remember of any others.

Q. I will ask you if when the Cherokee authorities were  
making the roll of 1896, in compliance with the request of the

Davis Commission for a roll to be prepared by them for the use of  
the said Commission, the question of the citizenship of the  
members of your family was not then raised and an investigation  
had in regard to it? A. Before the Davis Commission?

Q. No, before the Cherokee Commission making the roll of 1896,  
of which John T. Guter was a member? A. Yes sir, yes. I had forgot  
it, but since you have named it there was some investigation of  
that at that time; this is what I understood.

Q. That roll shows that the members of your family were duly  
enrolled by the Commission? A. Yes.

Q. Have you and the other members of your family since your removal  
to the Territory in 1863 and immediately following been recognized  
as Cherokee citizens by blood? A. Yes sir.

Q. Have you been exercising and enjoying all the rights of Cherokee  
citizens by blood since that time? A. Yes sir.

Q. You and all the members of your family are living in the Cherokee  
Nation? A. Yes sir.

Q. You have all drawn Cherokee annuities whenever payments were made?  
A. Yes sir.

Q. And have you all male members been voting at the Cherokee  
elections or in the Cherokee elections? A. Yes sir, I was one of  
the judges of the elections that was held voting on the treaty.

Q. What treaty? A. The treaty bill that was sent back here for  
the Cherokees to vote on; I was one of the judges at Afton.

Q. In what year was that? A. I believe it was last spring some time,  
last April.

Q. Have any of you held any offices in the Cherokee Nation? A. Yes  
sir.

Q. What office have the members of your family filled? A.  
Deputy Clerk, under Pete Hastings, when he was clerk of Delaware  
District, I was a candidate once for Council in the Douglas party.

- Q Any officer of Territory could be held by any one else except a civilized citizen? A Only by a citizen, yes sir.
- Q Is that all? A (No reply).
- Q Were the children of members of your family attended the Territory schools, and been educated in Cherokee schools? A Yes, sir.
- Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.
- Q Have they been tried for any offenses against the law? Yes sir.
- Q Have they instituted in any civil suits in the courts of the Cherokee Nation? A Yes sir.
- Q And had suits instituted against them in such courts? A Yes sir.
- Q And of those cases have any come to the Supreme Court of the Cherokee Nation? A Yes sir.
- Q And were called upon to testify in any of them? A Yes sir.
- Q Is there anything else? A Nothing, not a word, this evening; I have a headache and I can't hardly see.
- BY MR. MITCHELL:
- Q He said you saw that Robert Dawson had died? A I don't know, I couldn't say for sure.
- Q He was a very old man? A Yes sir, he was getting tolerably old.
- Q Did you tell him you were older than that you? A No I don't know.
- Q Mr. James Dawson in 1824 must have been a very old man, didn't he?
- Q Well he was old and he was feeble.
- Q Well you stated that he had been so silly was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.
- Q I say he had gotten so old, that was the occasion of that?
- Q I suppose so, the oldest one of these children was Mrs. Betty Dawson, that's my understanding.
- Q And the oldest boy was John Dawson? A He always called me Jack.
- Q John Dawson was the oldest? A Yes sir.
- Q Sam was the youngest? A Sam Riley.
- Q He was the youngest one of the crowd? A Yes sir.
- Q Your father lived four or five years after he and you were admitted to citizenship? Yes sir, something about that, it was in 1827, I think he died in 1827, I won't be positive; that is as far as I remember now. I have got a headache so bad that I can't remember anything.
- Q Did not none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them.
- Q Had a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't know they was.
- Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vana, wasn't it?
- Q I don't know, I couldn't answer the question.
- Q You were there when they took the testimony? A I was there when Dr. Wiley's testimony was taken, that was about 18 years ago.
- Q And nobody kin to Mr. Rogers and Vana was ever called to testify in the case? A Not as I know of.
- Q They were very well known Cherokee families in the country?
- Q I suppose so, I don't know.
- Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know that my brother done, he taken some of the evidence at Tablequah when I was not there; he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.

Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.

Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.

Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.

Q You went off, came to Arkansas and left your brother at Tulsa after you told him that fact? A Yes sir.

Q You didn't see your brother any more until after you were admitted? A No sir.

Q You and he however had tried back and forth to Tulsa and had been at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.

Q But you were there and brought Dr. Baker over? A Yes sir.

Q And took his testimony a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.

Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.

Q The way he came into your case? A The way he claimed to come in.

Q He did more in your case than Bryant did? A Campbell didn't do anything.

Q What did Bryant do? A I think he helped my brother take evidence my brother employed him.

Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.

Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.

Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.

Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.

Q The family kept Campbell Taylor employed though as their attorney after that? A In the Jesse Dawson case I think so.

Q E. Dawson, you remember, had his two grand-children? A That is my understanding.

Q And your uncle James Dawson hadn't in the case of his children? A Uncle James had nothing to do with it, James Low and Bill Jackson got him that was my understanding of the employer, Bill.

Q The record here states that the case was originally instituted by G. E. Taylor and was finally admitted by him September 2nd, 1924, in the Jesse Dawson case? A I don't deny him being in that case.

Q You say he was employed in the E. Dawson case? A I don't deny that was in the E. Dawson children's case.

Q The record states that Campbell Taylor instituted the case, and it was finally admitted by him, and Dr. Baker, who testified a while ago, I don't know if he was in the case or not, doesn't say?

Q That was in the E. Dawson grand-children's case? A Yes sir.

Q No, in the Dawson children's case? A Yes sir.

Q He was likewise attorney in the Lary Dawson case was he, and before the Admir Court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.

Q And the case likewise of Wiley Dawson? A I don't know anything about those.

Q They are relations of yours? A Well I couldn't say.

Q James K. P. Dawson proves to be a son of Wiley Dawson? A Well if he is he is by connection then. There are so many Dawsons I don't know them all.

Q You know Andrew J. Dawson? A Yes sir.

Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.

Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.

Q He refers in his application as being a cousin of W. Dawson, and your self, who were admitted to citizenship by the Texas Court?

A He may be, I don't know nothing about it.

Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about these people.

Q Old John Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.

Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.

Q Then he was not paralyzed? A No, I brought him over there back from Rockyville, Arkansas.

Q Well I say he was a very old man? A Yes, getting old.

Q For didn't you come to this place up there joining Broughton and on it some time before you brought your family? A No, I brought my family with me, except my wife.

Q And you subsequently built a log house on it? A Yes sir.

Q And went back and got your wife and moved there to the log house? A Yes sir, went to Furcha and got my wife.

Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.

Q You remember do you of being with him such of any at all? A I was in Texas in time of the war, with my uncle Wiley Dawson, and he was there.

Q In '66 sometime? A '68, I reckon, or '67. Somewhere along there, it was in time of the war.

Q How old a man was he at that time? A Pretty old man.

Q You never saw your grandmother, she died before she came?

A Yes sir, I never saw her at all.

Q Who first started the citizenship matter, your brother in Texas or you? A They'll use me, and my brother together.

Q I mean the first conceived the idea? A I first conceived talking about it.

Q And went down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.

Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.

Q They were getting pretty thick in there in 1860? A Well in '63 and '4 and '5 I think.

Q How many agents sent over there to get yourselves on the rolls?

A Just got to be something, but it wasn't at the time we was admitted there was no sign of it about the rights here.

Q Well the matter had been admitted before that? A I suppose they had; there was not much coming out over the matter claim at that time.

BY MR. HASTINGS:

Q You did locate and board with Sam Shables when you first came to Tahlequah in '01? A I think I did.

Q Your brother Buck Dawson stayed there also? A Yes sir.

Q Sam Shables lived in the north end of town, old corner? A Yes sir, old corner, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard that but I have forgot them.

Q You don't recollect any name now? A I don't remember them now.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear by certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record?

A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel P. Dawson applied to what is the name the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning?

A Well I don't know, they claimed to be, I never let them be there.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, don't know that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1868, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and come back and they told me about it.

Q You never found out what C. W. Taylor was a big race it up until the present time have you? A (No response)

Q The records show when that he has been in the constant employment of your family from that date up to this time? A Why it seems here from the records I would rather be excused for lack of it.

Q You were the one that let the papers go with it? A I never employed him, I don't know.

Q You are the man that let the papers go with the records in the case and Riley Dawson?

Q Didn't you testify in the case of John Sir Davenport? A Yes sir.

Q Wasn't he attorney for the case? A Yes sir.



Q Wasn't he employ'd by J. L. Dawson for you to get your citizenship?  
A Why not but the grand-children.  
Q J. L. Dawson's petition was filed in October 1883, after yours?  
A Yes sir.  
Q C. H. Taylor, attorney of record, filed his petition? A He  
might have filed it for a I I know.  
Q Well you hadn't at that time fallen out with C. H. Taylor had  
you? A Why no, we never did have any trouble, only over your money,  
he never would give it back to me or give it to Bryant.  
Q You never discovered that he was such a bad man until after your  
judgment was rendered? A I know he was not of good character.  
Q Are you and Bryant, this man who testified for the Cherokee  
Nation, or speaking to him? A Hardly speak.  
Q Does he refuse to speak to you? A So often he does.  
Q Do you refuse to speak to him? A Yes sir.  
Q Have you been speaking to him for the last two or three months?  
A I have not spoken to him until I met him there at the hotel the  
other day.  
Q First time you spoke to him since he had the boy arrested? A Yes  
sir.  
Q When did he have the boy arrested? A About in September or  
October, September I think.  
Q Then did Dr. Baker die? A I don't remember.  
Q You don't remember how much older your father was than you?  
A No, I don't know.  
Q What is your age? A I will be 60 in May.  
Q Then you were born in '42? A Yes sir, '42 according to the  
record.  
Q Was your father as much as 25 years old when you were born?  
A I couldn't say.  
Q What was your best judgment? A I suppose he was 20 or 25  
years old. My understanding he married young.  
Q Can't you give any better idea than 4 or 5 years of your father's  
age? A I say 25.  
Q Your father was born say, 25 from 42 would have made him be born  
in 1817; now had your father any older brothers or sisters? A I  
think Jack Dawson was the oldest of the family, no, Betty, the girl,  
was the oldest and Jack next, and then my father as well as I  
re order about it.  
Q There were two girls older? A No, one of the girls I never saw.  
Q Then you think there are only 2 older than your father? A Yes,  
to the best understanding of the family.  
Q Dr. Baker gives his age 73 in '32, which would make him be born  
in '39, now he states that when he was 15 or 16 years old, which  
added to 1808, will make 1824, that your grandmother Anna Priest, was  
a school girl; whereas from your testimony and that of the family  
history introduced here shows that your grandmother Anna Priest  
was the mother of seven children, the youngest being born in 1827,  
how do you reconcile that? A I don't remember about the statement  
of Dr. Baker; I don't know what he made such statement as that,  
I don't remember about it.  
Q And if he did you don't know how to reconcile it? A (No response.)  
Q Did you talk to any of the members of the Court that admitted  
you? A No sir, I was not acquainted with them.  
Q You know whether they were old or young men? A They were old  
men like Steve Jones. I got acquainted with him afterwards, and  
to be Thompson, at the council you know I was there a good deal.

- Q That was the fellow that was on the Court? A Yes sir.
- Q He was afterwards assistant Chief of the Cherokee Nation?
- A I think so.
- Q Stayed there, that's the man you had reference to? A Yes sir, I think it was, I just knew the name I had no acquaintance with him at all.
- Q D. W. C. Dungan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
- Q Don't you know he did? A I think he did, as well as I remember.
- Q Were not you over there to his room? A I think I was.
- Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Tex., was in January Term of 1888 I believe, it was, as well as I remember about it.
- Q Well you didn't take any more testimony after Dr. Baker testified?
- A No sir, I didn't.
- Q But your case was not submitted or passed upon for a year?
- A I think it was, yes sir, as well as I remember.
- Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Blasingame came with me when we moved here, and went back and got his family and moved that fall.
- Q Did he move his family here that same fall? A Yes sir.
- Q What year was that? A In the fall of '87 I believe it was, as well as I remember now.
- Q When did the Bilaska family come? A I think the girl and the old lady came in the next spring.
- Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband come back.
- Q Did she come back until after her marriage? A No, she was married when she come first.
- Q The last time? A She was married I think, she was married when she come out.
- Q How long has August Bilaska been a permanent and contiguous resident of the Cherokee Nation? A I think he come there in the fall of 1884 or 1885, I won't say which.
- Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
- Q When was that? A '85.
- Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
- Q Who is Arizona Alvey? A That is my daughter.
- Q Did you bring her with you? A No not when I moved.
- Q When did she come? A She came out in a year or two after I moved here.
- Q Was she married when you moved here? A No sir, she was not married.
- Q She was not married when you were admitted? A No sir, she was a child.
- Q They got up here come to this country? A With his grandfather, James Brown.
- Q What was his mother's name? A Melvina Brown.
- Q How long did she live here? A No sir.
- Q Don't know how long she lived here? A No sir.
- Q Was she married? A I think she was.
- Q Married in this country? A Yes sir.
- Q Was she James H. Brown? A Married one of the Jacksons.

- Q What? A Yes sir, Bud' Dawson.  
Q Well is that all he did for you? A I don't remember about it.  
Q Why didn't you get your attorney to do that letter writing? A There was not any there.  
Q Taylor nor Bodge was not there then? A No sir.  
Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.  
Q Then did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did; might have been 2 years. I don't remember.  
Q There was Duncan living then? A I couldn't say where.  
Q Was he still clerk of this Court? A No sir, not when that money was paid; that is, when Camp Taylor said he paid it.  
Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.  
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.  
Q How much did you give him? A One hundred dollars.  
Q Then? A Right at that time; he claimed it before as soon as we got our papers; he came onto us and claimed it for Bryant.  
Q You never sent him any then after that? A No sir.  
Q Did you ever see Bryant after that? A Yes sir  
Q How long after that? A I don't know, a year or two afterwards.  
Q A year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until he moved out to this country.  
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. MCKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by their representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. MCKENNON:

- Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tenee and Thompson.  
Q Are you positive of that fact? A Yes sir.  
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?  
Q Andrew J. Dawson, who claimed to be from Missouri? A How was the question?  
Q You do not know that do you? A I don't know that they are any kin to us.  
Q You don't know that they are related to you at all? A No sir.  
Q This Mary Dawson case, do you know the members of that family?  
A No sir, I don't.  
Q Don't know who they was? A No sir.  
Q The Rebecca Dawson case? A I don't know her either.  
Q You don't know whether they are related to you or not? A No sir.  
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Jonathan Barber, do you know anything about them? A They claim to be kin to us.

Q Where are they from? A They are from Texas.

Q Do you know they are related to you? A They claim to be kin.

BY MR. HASTINGS:

Q Will you swear for them before the Commission? A Yes, they claim to be kinfolk of mine.

BY MR. McKENNAN:

Q Irene J. Baker, who is that? A That is a cousin of mine; claims to be.

BY MR. HASTINGS:

Q You testified for her didn't you before the Commission? A I think I did so well as I remember.

BY MR. McKENNAN:

Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Henryville, Arkansas.

Q Who were the others? A Myself and J. Dawson and there were two other witnesses, I don't remember who they are.

Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You don't remember their names? A I might.

Q Of those other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about re. J. Dawson was citizens of the Cherokee Nation.

Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.

Q And that referred back to the decision in the Court before? A We proved that they were citizens, and he had my folks before he ever came here.

Q You're older than Dr. Baker? A About the same age.

Q Why didn't you get Oliver Miller's testimony in the House case?

Q He was dead.

Q You said no further of your family in the Irene House case or the Jonathan Barber case or any of those cases that were tried before the Dimes Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you? A I don't remember about that.

Q You did make reference to the fact that Dr. Baker testified there in '87, didn't you? A I don't remember about that now.

Q You never had reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.

BY MR. McKENNAN:

Q Now just one more question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the Jim Dawson family, are lost or missing are they not? A I suppose they are, I don't know, I never saw them.

Q Have you ever been able to get copies of them? A Yes sir, I tried to get the original papers.

This case is continued until 8:30 a.m., to-morrow, March 20th, 1908, at not being the hour for adjournment.

J. L. DAWSON sworn on the Oath,  
Irene J. Baker sworn on the Oath.

These are the only witnesses that having refused A. J. Hastings



Q What County? A Carroll.  
Q Was that town? A Berryville.  
Q Did Dr. Baker live at Berryville? A Yes sir.  
Q Has your brother initiated acquaintance with him for many years?  
A Yes sir.  
Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.  
Q Do you know Josephine Pierce? A Yes sir.  
Q Whose daughter was she? A Robert Dawson's.  
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.  
Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.  
Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.  
Q And her second husband? A Was Kelly.  
Q There was another Josephine Dawson wasn't there, Balaska's wife?  
A They called her Joe, I suppose that's her name, I could not be positive; that was Riley Dawson's daughter, August Balaska's wife.  
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.  
Q You know how old you are? A 42.  
Q 42? A I think so.  
Q How many older children were there of your father and mother than yourself? A Three.  
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.  
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.  
Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.  
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.  
Q Don't know what year he came to Arkansas? A Only from statement.  
Q Well what did they say about it? A I think they came here sometime in '30.  
Q You don't know whether your father was born in Arkansas? No I say of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.  
Q He came there in '30, and all the other children were born on the Mississippi River in Tennessee, before he ever came? A That is what I think, yes sir. Now I do not recollect about that.  
They were from Tennessee, but either Mr. Baker lived there or you folks came from there; I don't know as I remember that I ever heard my father say where he was born at.  
Q In Tennessee or where; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.  
Q Do you know the difference in the age of yourself and your three other brothers? A No I don't.  
Q Don't know the difference that comes in between you? A No I don't know that I know it is about two years than I.  
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.



BY MR. MCKENNON:

- Q Did Josephine Pierce have a daughter who married Mr. Bogle?  
A Yes sir.  
Q What was her name? A I always known her by Dada Pierce; I don't know whether that is her right name or not.  
Q What is Bogle's name? A John Bogle.  
Q She is the child of Josephine Pierce who married John Bogle?  
A Yes sir.  
BY MR. HASTINGS:  
Q Where did she marry John Bogle? A Near Afton.  
Q When? A I couldn't state.  
Q About when? A You have got a copy of the marriage license.  
Q When did Josephine Pierce come to the Cherokee Nation? A '83.  
Q Has she lived here continuously since that time? A Up until her death; she is dead.  
Q Any of her children come with her at that time? A Yes sir.  
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. G. STARR, being first duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

- Q Your name is J. G. Starr is it? A Yes sir.  
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)  
A Yes sir.  
Q Where? A At the residence of S. H. Bengel near Fort Gibson.  
Q When? A On the 15th day of this month.  
Q What day of the week was that? A On Saturday.  
Q Is that the day it was taken? A Yes sir.  
Q Did you go there on Saturday to take this? A Yes sir.  
Q Then when Judge Bengel stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?  
A It was taken Saturday, the 15th.  
Q Was he mistaken or not? A It was not taken then.  
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?  
A I think not, because I was there, and it was taken on the 15th.  
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.  
Q Then of course his statement could not be correct? A I guess not.  
BY MR. HASTINGS:  
Q He was just mistaken about the date, wasn't he? A Yes sir.  
BY MR. MCKENNON:  
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they went there on Monday to take that? A No sir.  
BY MR. HASTINGS:  
Q I sent you there last Saturday? A Yes sir.  
Q And you went there at my direction, didn't you? A Yes sir, and came back Sunday night.

ROBERT L. DOWMAN, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

- Q What is your name? A My name is Robert L. Dowman.  
Q What is your age? A My age is something close to 30 years old.  
A 29 years.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?

A Yes sir.

Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness and examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and was looking over them I saw this letter.

Q How long has it been in your custody ever since you found it? A Yes sir, it was the letter that was in the envelope.

Q Well, that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. MCKENNON: I want to offer this letter in evidence in this case. It is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883, addressed to Mr. E. Dawson, Esq., together with the envelope in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUGHES: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BERGE, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Benge.

Q Are you a son of Samuel H. Benge? A Yes sir.

Q Do you know his handwriting? A I believe so.

Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.

Q To the best of your knowledge and belief is that his letter?

A Yes sir.

BY MR. MCKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

Fort Gibson, C. N.,  
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir: I write this note to inform you that your case came off before the Court on Christmas on the 11th inst., and was decided in your favor. You are an attorney of this Nation, P. M. Dawson was your opponent, and he lost the decision at the court. He will write to you also. He will please send me fifty dollars as per the contract according to contract, send it to Mrs. Benge, Cherokee Nation.

Respectfully yours,

S. H. Benge,

Attorney at Law

Enclosed by envelope, as filled out

and is hereby given, left hand:

Witnessed 13th day of Jan. 1883,

Attorney at Law,

Tahlequah, Ind. Ter.

Addressed: Mr. E. Dawson,

Henryetta,  
Clay Co., Texas."

Post-marked: "Tahlequah, Jan 13-1887."

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. MCKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Harris papers to witness) A That is the same letter that I found.

Q Among the name that you found the Bengt letter? A Yes sir.

BY MR. MCKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.  
I. T., M. E. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim and there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him \$20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him \$100- and that you had offered him a check on some bank in Texas.

That \$100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you. Please write to me.

Very respectfully,

Very truly,

J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A He, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked him his age; of course I guess by other knows.

Q Never had occasion to talk about his age or will? A Oh I have heard him speaking of his age at different times, but then I never paid enough attention to it.

Old Orphan, being first duly sworn and being examined testified as follows:

BY MR. MCKENNON:

Q What is your name? A Old Orphan.

- Q How old are you? A Mr. Graham? A I am 35 years old.
- Q How long have you been living in the Territory? A I came out here in 1887 or '88.
- Q To the Cherokee Nation? A Yes sir.
- Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
- Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
- Q How long did you live in the Cherokee Nation? A About 6 years.
- Q Where did you go then? A Wagoner.
- Q In the Creek Nation? A Yes sir.
- Q And been residing there ever since? A Yes sir.
- Q In business? A Yes sir.
- Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
- Q Mr. Graham, do you know Judge Samuel H. Bengel? A Yes sir.
- Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
- Q Taking the census of the Cherokees? A Yes sir.
- Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
- Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
- Q What did he tell you about it: well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

- Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
- Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
- Q And he told you the judgment was all right? A Having known that Mr. Bengel was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
- Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would see him in person: he assured me that everything was all right.
- Q Your mother was Missouri Dawson was not she? A Yes sir.
- Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
- Q And was not Missouri Dawson as named in that judgment? A Yes sir.
- Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
- Q Ella Dawson was your aunt? A Yes sir.
- Q Was she married at that time? In 1883? A Yes sir.
- Q Melvina Dawson, was she married at that time? A Yes sir.
- Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.



Q Can you give us the exact date of your birth? A Yes sir.  
Q Do so, please? A January 21, 1867.  
Q And you came to the Territory when? A In 1887 or 1888.  
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.

Q Well I just want to know whether you did have or not? A No sir.

Q When were you married? A 1886.

Q You were married prior to coming here? A Yes sir.

Q Your first child born away from here? A Yes sir.

Q What is its name? A John W.

Q '86 you were married, and he was born about the spring of '87?  
A Somewhere in 1887, I don't remember.

Q Prior to your coming here? A Yes sir.

Q That is the only child you had that was born away from here?  
A No sir, Julius.

Q Julius was not born in the Territory? A No sir.

Q And prior to the time of your removing to the Territory? A Yes sir.

Q These are the only children born out? A Yes sir.

BY MR. MCKENNON:

Q Do you know Campbell Taylor? A Yes sir.

Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of that question, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.

Q You never had met him before, or had any communication with him?

A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You know he was the attorney in the case, originally? A After looking at the records I did.

Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.

Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.

Q Said he would use his influence against you, that is what he said? A Yes sir.



BY MR. HASTINGS:

Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.

Q You went to Captain Sledge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.

Q You went to see Aaron Butler, who was interpreter before that court, what admitted you? A Yes sir.

Q And you went with Aaron Butler to see Sir Smith, attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.

Q That is, you used considerable activity? A Yes sir, I used such activity as was to my interest.

BY MR. MCKENNON:

Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful basis? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. MCKENNON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be exact as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but the James Dawsons.

Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '34 any James R. Dawson 25 or 40 or 45 years old, that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. WITCHINGS:

Q Do you know who was here attending to your mother's citizenship case at that time; at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.

Q Who was E. A. Dawson? A That is Wilburn, my uncle.

Q Was he here? A I don't know sir.

Q You were not here any of the time? A No sir.

Q You then, your grandparents then, you had lived in the same neighborhood, is that? A Yes sir, I know his well.

Q He came to you for a year or two after that did he? A After when Mr. ...

Q After the admission to citizenship? A So he, he didn't die I think ... several years after.

Q Very old, was he then? A Yes sir.

BY MR. MCKENNON:

Q About what time was he ... 50 years old.

BY MR. MCKENNON:

Q What he then? A Yes sir.

BY MR. HASTINGS:

Q What about 1884? A I think so, yes sir.

BY MR. HASTINGS:

Applicant's object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc., as being irrelevant, immaterial and incompetent.

James E. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. HASTINGS:

Q Your name is James E. Dawson, is that right? A Yes sir.

Q Where do you live? A Arden, Indian Territory.

Q How old are you? A 45.

Q You are a physician are you not? A Yes sir.

Q Was James Dawson, whose family was admitted in 1894, an uncle of yours? A Yes sir.

Q Do you know what his age was at that time? A No sir, I do not, only approximately.

Q How old was he when he died? A At the time of his admission?

Q Yes sir, about 70, I don't know exactly.

Q How old was he when he died? A I would say he was about 78.

Q What was your age in 1884? A I am 45.

Q What year were you born, Doctor? A I was born in 1855.

Q What was your father's name? A His name, that's all.

Q What was your age then? A In '84?

Q Yes sir, about 29.

Q Where you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee Nation or Missouri? A Not while the James Dawson case was on.

Q You were present during your father's case? A I was there at the time.

Q What was that? A The dates I don't remember, when the case first came up, I don't remember the exact date.

Q How long were you there? A I was there about a week.

Q Was that about the first case up you say? A Yes sir.

Q Nothing was done? A No sir.

BY MR. HASTINGS:

Q You never saw Dr. Baker? A Yes sir.

Q Did he and your uncle Jimmie go to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk.

Q What? A I think they talk together.

Q They were together when you were boys? A Yes sir, I believe Dr. Baker was in the country.

Q How long were you together about in the country? A I don't know.

Q How long were you together about in the country? A I don't know.

Q How long were you together about in the country? A I don't know.

Q How long were you together about in the country? A I don't know.

Q How long were you together about in the country? A I don't know.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

V. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. NUTCHINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tallapoosa, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. R. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it, of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by imagination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he told any one to me. I got his name because I think he was connected with the case, and perhaps knew something about it. Like I did a great many other people, some of whom I don't know. So some they didn't know what I arranged they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemaker case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemaker case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemaker case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. MCKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.

Q He therefore did it simply upon your persuasion? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

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

(Signed) M. D. Wood.



I, Arthur G. Bane, being duly sworn, state that in accordance to the commission to the Five Civilized Tribes I certify the copy given and that the same is a true and correct copy of the original.

*Arthur G. Bane*

Subscribed and sworn to before me this 18th day of December, 1901.

*B. C. Jones*

Notary Public.



File with Cherokee B-23, John W. Graham, et al.

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

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of,

Francis M. Dawson et al	Cherokee	D.	324
John Dawson,	"	D	580
William H. Dawson,	"	D	581
Andrew G. Atkins, et al	"	D	584
Francis M. Dawson, Jr.	"	D	588
Arizona Allred, et al	"	D	835
Samuel R. Dawson, et al	"	D	360
Robert Dawson,	"	D	553
Albert E. Dawson, et al	"	D	558
August Bulawdy, et al	"	D	365
John W. Dawson, et al	"	D	482
Katie Newman	"	D	402
John Dawson, et al	"	D	578
Thomas P. Dawson, et al	"	B	360
Orle H. Dawson, et al	"	D	550
Robert Pierce, et al	"	D	409
William Pierce,	"	D	409
Charles B. Pierce,	"	D	451
Uma Gray, et al	"	D	471
Ernie Pierce,	"	D	472
John S. Bogie, et al	"	D	479
Joseph R. Dawson, et al	"	D	364
Wilson Dawson,	"	D	475
Charles T. Deere, et al	"	D	619
James B. Dawson, et al	"	B	526
Henry A. Blainshaw, et al	"	D	833
Robert A. Blainshaw, et al	"	D	833
James R. Blainshaw, et al	"	D	834
Martin L. Blainshaw, et al	"	D	835
William C. Blainshaw, et al	"	D	804
Robert L. Dawson,	"	D	605
Robert T. Dawson, et al	"	D	606
Richard T. Dawson, et al	"	D	617
Ellis L. Blainshaw, et al	"	D	626
Francis M. Dawson,	"	D	627
Samuel R. Dawson,	"	D	609
John W. Dawson, et al	"	D	25
William H. Dawson, et al	"	D	35
Robert L. Dawson, et al	"	D	630
Charles T. Deere, et al	"	D	1124
John W. Dawson, et al	"	D	1125
Samuel R. Dawson, et al	"	D	1126
Robert L. Dawson,	"	D	1127
William H. Dawson,	"	D	1128
Francis M. Dawson,	"	D	1129
John W. Dawson,	"	D	1130
William H. Dawson,	"	D	1131
Robert L. Dawson,	"	D	1132
Samuel R. Dawson,	"	D	1133
Charles T. Deere,	"	D	1134
James B. Dawson,	"	D	1135
Henry A. Blainshaw,	"	D	1136
Robert A. Blainshaw,	"	D	1137
James R. Blainshaw,	"	D	1138
Martin L. Blainshaw,	"	D	1139
William C. Blainshaw,	"	D	1140
Robert L. Dawson,	"	D	1141
Robert T. Dawson,	"	D	1142
Richard T. Dawson,	"	D	1143
Ellis L. Blainshaw,	"	D	1144
Francis M. Dawson,	"	D	1145
Samuel R. Dawson,	"	D	1146
John W. Dawson,	"	D	1147
William H. Dawson,	"	D	1148
Robert L. Dawson,	"	D	1149
Samuel R. Dawson,	"	D	1150
Charles T. Deere,	"	D	1151
James B. Dawson,	"	D	1152
Henry A. Blainshaw,	"	D	1153
Robert A. Blainshaw,	"	D	1154
James R. Blainshaw,	"	D	1155
Martin L. Blainshaw,	"	D	1156
William C. Blainshaw,	"	D	1157
Robert L. Dawson,	"	D	1158
Robert T. Dawson,	"	D	1159
Richard T. Dawson,	"	D	1160
Ellis L. Blainshaw,	"	D	1161
Francis M. Dawson,	"	D	1162
Samuel R. Dawson,	"	D	1163
John W. Dawson,	"	D	1164
William H. Dawson,	"	D	1165
Robert L. Dawson,	"	D	1166
Samuel R. Dawson,	"	D	1167
Charles T. Deere,	"	D	1168
James B. Dawson,	"	D	1169
Henry A. Blainshaw,	"	D	1170
Robert A. Blainshaw,	"	D	1171
James R. Blainshaw,	"	D	1172
Martin L. Blainshaw,	"	D	1173
William C. Blainshaw,	"	D	1174
Robert L. Dawson,	"	D	1175
Robert T. Dawson,	"	D	1176
Richard T. Dawson,	"	D	1177
Ellis L. Blainshaw,	"	D	1178
Francis M. Dawson,	"	D	1179
Samuel R. Dawson,	"	D	1180
John W. Dawson,	"	D	1181
William H. Dawson,	"	D	1182
Robert L. Dawson,	"	D	1183
Samuel R. Dawson,	"	D	1184
Charles T. Deere,	"	D	1185
James B. Dawson,	"	D	1186
Henry A. Blainshaw,	"	D	1187
Robert A. Blainshaw,	"	D	1188
James R. Blainshaw,	"	D	1189
Martin L. Blainshaw,	"	D	1190
William C. Blainshaw,	"	D	1191
Robert L. Dawson,	"	D	1192
Robert T. Dawson,	"	D	1193
Richard T. Dawson,	"	D	1194
Ellis L. Blainshaw,	"	D	1195
Francis M. Dawson,	"	D	1196
Samuel R. Dawson,	"	D	1197
John W. Dawson,	"	D	1198
William H. Dawson,	"	D	1199
Robert L. Dawson,	"	D	1200

Texasa Woolley, et al.,	Cherokee	D	406
Henry T. Richardson, et al.,	"	D	715
Etta Brewer,	"	R	12
Hollon A. Dowson,	"	R	13
Alexis M. Fishback, et al.,	"	D	343
Hiram F. Weddle, et al.,	"	D	521
William D. Donchitt,	"	D	522
Florence Morgan, et al.,	"	D	937
John E. Fishback,	"	D	845
George A. Mabry, et al.,	"	D	979

D E C I S I O N .

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 384 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob L., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 25, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William R. Dawson, at Nowata, Indian Territory, on October 12, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By James G. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his minor children, Arthur, Edna E., Edward C. and George J. P. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902.

D 585 By Francis E. Dawson, Jr., son of Francis X. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.

D 351 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Tola M., Lermel H., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 380 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Mariee J. Dawson as citizens by blood.

D 530 By Oris H. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself and his minor child, Ezra R. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 462 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 2, 1903, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471

D 472

By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 16, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph H. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 476 By Wilborn Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by blood.

D 516 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Nellie, and his five minor children, Ross, Walter, Clara, Oma and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 15, and October 19, 1902, and on August 17, 1903, an affidavit was filed showing the birth of Ross E. a sixth child of the applicant.



24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 2, 1903, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 31, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471

D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna W., John H., Marvin R. and Oland Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 510 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Nellie, and his five minor children, Rosa, Walter, Clara, Oma and Joseph W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on August 15, and October 19, 1902. On August 17, 1902, an affidavit was filed showing the birth of Rosa J., a sixth child of the applicant.



- 5-
- D 831 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil P. Dawson, a fourth child of the applicant.
- D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.
- D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.
- D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902.
- D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Elmer D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.
- D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 10, 1902.
- D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.
- D 603 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

- D 608 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.
- D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.
- D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.
- D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.
- D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Temp V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.
- D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.
- D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada E., Eva P., John W., Ray D., and Roberts A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy W. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.
- D1121 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Bertie and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.
- D1125 By Jas E. Graham, at Muskogee, Indian Territory, on Feb-

ary 23, 1901, for the enrollment of himself and his minor child William G. as citizens by blood.

- D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.
- D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.
- D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.
- D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.
- D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.
- D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.
- D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osis, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.
- D 847 By William C. Lanox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lanox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.
- D 852 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, Ray, Selma, Roberts and Eben Lowe as citizens by blood.

- D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.
- D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.
- D 719 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Della F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.
- F 12 By Etta Brayer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.
- R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.
- I 521 By Lulu Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris C. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.
- I 522 By William P. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.
- I 747 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverne A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.
- D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 845 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 979 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nina, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Techee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1884, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1883 and 1884, James Dawson on the pay rolls of 1883 and 1884, Rial Dawson on the pay rolls of 1883 and 1884, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1883, Joseph Dawson on the pay roll of 1883, 1886 and 1884, Ella Dawson and F. M. Dawson on the pay rolls of 1883, 1886 and 1884, Mollie Dawson and F. M. Dawson on the pay rolls of 1883, 1886 and 1884, Wilborn Dawson and F. M. Dawson on the pay rolls of 1883, 1886 and 1884, James Dawson and F. M. Dawson on the pay rolls of 1883, 1886 and 1884, Rial Dawson and F. M. Dawson on the pay rolls of 1883, 1886 and 1884, Josephine Dawson and F. M. Dawson on the pay rolls of 1883, 1886 and 1884, Jane Dawson and F. M. Dawson on the pay rolls of 1883, 1886 and 1884, and John Dawson and F. M. Dawson on the pay rolls of 1883, 1886 and 1884.



Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 500, D 501, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis H. Dawson, Jr., and Arizona Alfred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis H. Dawson, Jr., are identified on the first payment roll of 1894, and William R. Dawson and Arizona Alfred are identified on the Cherokee Census roll of 1896.

Andrew G. ... married under a Cherokee ... license

and in accordance with the laws of the Cherokee Nation on March 22, 1821, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and heretofore named are the issue of that marriage. The eldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Len Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stat., 495) provides:

"No person shall be enrolled who has not heretofore resided to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1898, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the named children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 330, D 352, D 356, D 365, D 482 and D 492.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Balawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Balawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 22, 1892, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and heretofore stated, are the issue of that marriage.

four elder children are identified on the Cherokee Census roll of 1896, and the strip payment roll of 1894. May Sulawsky is identified on the Cherokee Census roll of 1896, and Oscar Sulawsky is identified by a birth affidavit on file with this Commission.

Hannie Dawson, nee Baugher, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catharine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1898, August Sulawsky and his wife Josephine, since 1892, and Sarah F. and Hannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 230. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven elder children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Charles J. Dawson and Chris I. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allie, and Marie J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Lillie York, and Burr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 478 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (no 7 Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Lytle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.



Oma Gray was married to John B. Gray on April 7, 1893, and Omed and Walton Gray are the issue of that marriage. Oma Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Oma Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilbott Dawson and James Dawson, and embraces cases numbered D 584, D 475 and D 585.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 11, 1888, and they have lived together

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1863; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1896, and that James R. Dawson has resided in said Nation since 1863, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Nellie Dawson and those claiming through her and surname case numbered D 518.

The evidence shows that Nellie Moore, formerly Dawson, is identified as the Nellie Dawson admitted to citizenship in the Cherokee

tion as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1898; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James B. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1898.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1888, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 3, 1884. She has lived with her said husband ever since they were married and the four children included in the application of said Elbert L. Blasingame, and her

issue of that marriage. The said Ida Blasingame and her two oldest children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claimants through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the 1896 Census roll of 1896. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the 1896 Census roll of 1896.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William G. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 18, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man, on September 7, 1887. Her children Hellen J. and William Glass are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis H. ... of ... at the time of his father's ...



ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 422), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and these claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson, this group embraces cases numbered D 23, D 35, D 836, D 1124, D 1126, D 112C, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the state of Texas in 1880, and has lived with her since that time. George V. and Robert C. Graham are the issue of the aforesaid marriage. John W. Graham's wife and two children are identified on the Cherokee Census roll of 1894.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis K. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spiekerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1885, and had lived with her since that time. Joseph V. and Robert H. Graham are the issue of the former marriage. John W. Graham, who was one of the children not identified on the Cherokee Census roll of 1895,

Joe E. Graham was married to Mary Kreishan, a non-citizen on January 8, 1898. William G. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe F. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 530 and D 531.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He was later lawfully married to her in Texas prior to her admission to citizenship.

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Tashie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Tashie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and heretofore named, are the issue of the said marriage. James H. Harmon and his three elder children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William G. Lenox was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William G. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, or by the Commission.

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and heretofore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and heretofore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.



The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 23, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Wilburn K. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Eitty Flournoy nee Dawson. The said Eitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Della F. Richardson is the child of the applicant by his first wife, Sellar. Fida T. Richardson and Jasper C. Richardson are children by his wife Eitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of the said wife Eitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the head of her family. The youngest child Edna Flourney was born in 1896 and was living at the date of this application. Dalia S. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 26, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Woolley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Copy XIII, includes the following applications: Eliza J. Venable, do do 3 813; William B. Davidson, 3 822; Alonzo E. Davidson, 3 823; Lawrence Morgan, do do 3 877; John B. Davidson, 3 878; George B. Hays, do do 3 879. The above mentioned applications

ations are related to the above named Darsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 15, 1884, to Lula F. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 15, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William D. Douthitt is the brother of said Lula F. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 15, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1891, to Laverna A. Dawson. He had been previously married to the said wife in Texas in 1877, and has lived with her ever since. It appears that Laverna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Hubert I. Morgan, is the daughter of the Wiley Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894, by the said Wiley Richardson as a member of the Council. She and Hubert I. Morgan are identified on the Cherokee Census roll of 1896.

identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this report.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission as to citizenship admitting Robert Morgan and his family was obtained by fraud on the part of said Bureau.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C. H. Taylor would look after Dawson's interests as he, Bryan,



would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Denge to go to Tahlequah and conduct the case. Denge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1861; that it was continued several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Toak Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Denge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it would be all right." Next morning Duncan gave Dawson \$500 and he left for the State; since that time they have had no communication.



Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testi-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Toak Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McKennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Braught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1888, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Teesee Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such money were used for fraudulent purposes and the proof to the contrary must be very clear.

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Such evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there are



fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teehee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1863, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1863; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1863, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Mena H. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulavsky, Dora Bulavsky, Ida Bulavsky, Annie Bulavsky, Blanche Bulavsky, Mag Bulavsky, Oscar Bulavsky, John W. Dawson, Fatie Dorman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Samuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas F. Dawson, Marion J. Dawson, Orla H. Dawson, Jeff R. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Lyrille Pierce, Arthur Pierce, Charles E. Pierce, Sam Gray, Cecil Gray, Volney Gray, Della Ann Gray,

Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna W. Bogle,  
John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson,  
Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson,  
Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C.  
Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora  
Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Elbert L.  
Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander  
Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson,  
Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson,  
Virgil V. Patterson, William C. Dawson, Robert L. Dawson,  
Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E.  
Dawson, Ella L. Spickerman, Hellen J. Spickerman, William  
Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham,  
Gideon Graham, John W. Graham, Julius E. Graham, Francis W.  
Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham,  
Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P.  
Painter, John W. Painter, Ray D. Painter, Roberta A. Painter,  
Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude  
Bradshaw, Joe E. Graham, William C. Graham, John F. Graham,  
Edna K. Graham, Robert Lee Graham, Joe Willie Neal, James M.  
Graham, Marion Graham, Maggie Graham, Esther Graham, Floyd  
Graham,

(Group X) Ella Jackson, Flora Korman, Lillian E. Korman, George Korman,

Twight Harmon, William D. Harmon, Tounie A. Jackson, Fannie  
Lenox, Lirtie E. Lenox, Murtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,  
Vitty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flour-  
noy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna  
Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia E.  
Richardson, Etta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle,  
Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A.  
Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan,  
Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and  
Charley Mabry,

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 that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulavsky,  
Mannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Bogie,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin E. Patterson, Alice Dawson, Sarah J. Inwood,

see Jones.

(Group IX) John W. Graham, Elizabeth Graham, Nathan A. Springer,  
Charles F. Bradshaw, Beaulie Graham,

(Group X) James E. Harmon, William O. Losen,

(Group XI) Willie E. Harmon, Harry E. Harmon, William A. Harmon,

(Group XII) Willie E. Harmon, Harry E. Harmon, William A. Harmon,

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizons Allred and William C. Allred; (embraced in D 835); Francis M. Dawson, son of Ribert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe; (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 338) and Green W. Jackson (D 308), died prior to September 1, 1908. It further appears from affidavits, made a part of this record that Liddle and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1908.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddle Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) T. H. BROWN,  
Acting Chairman.

(Signed) T. H. BROWN,  
Commissioner.

Office of the Commissioner,  
Washington, D. C.

September 1, 1908.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, February 25, 1905.

In the matter of the allotment of land to Tempa V. Harrod,  
nee Graham, Cherokee Card No. 10747, Approved Roll No. 31800.

Albert S. Harrod, non-citizen and husband being sworn,  
testified as follows:

Examination by the Commission:

- Q What is your name? A Albert S. Harrod.  
Q How old are you? A 31.  
Q What is your post office? A McLain.  
Q Do you make any claims to Cherokee citizenship? A No sir.  
Q What is the name of your wife? A Tempa V. Graham.  
Q When were you married to her? A On August 31, 1903.  
Q How were you married under United States license? A Yes sir.  
Q What is the name of your wife's father? A John W. Graham.  
Q Then name of her mother? A Missouri Graham.  
Q Are you and your wife living together at this time? A Yes sir.  
Q What is your object in appearing at the Land Office today?  
A To designate lands for an allotment and to testify about the same.  
Q State the reasons why your wife does not make personal appearance  
and selection? A Her health will not permit her to come. Has  
been in bad health for a week or two.  
Q Is she under the care of a Physician? A No sir.  
Q In your opinion it would be detrimental to her health to bring  
her here? A Yes sir.  
Q Have you any authority from your wife to make this selection?  
A Yes sir.

Witness offers Power of Attorney executed by Tempy V.  
Harrod, dated February 15, 1905, appointing A. S. Harrod her law-  
ful attorney for the purpose of selecting lands in the Cherokee  
Nation.

- Q Is the Tempy V. Harrod who executed this Power of Attorney identi-  
cal with Tempa V. Harrod? A Yes sir.  
Q Are you the A. S. Harrod named in this Power of Attorney? A I am.  
Q Are the lands desired to be allotted to your wife suitable for an  
allotment? A Yes sir.  
Q Are there any improvements on this land? A Yes on part of it.  
Q Is it your home place? A Yes sir.  
Q Do the lands lay west of Grand River? A Yes sir.  
Q Is this the first application for land that has been made for your  
wife? A Yes 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 the 25th day of February, 1905.

*Blanch Ashton*  
Notary Public.

**FILED**  
FEB 25 1905  
COMMISSION TO FIVE TRIBES.

MAR 10 1905  
COMMISSIONERS OF FIRE INSURANCE

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, March 9, 1905.

In the matter of the allotment of land to Missouri Graham and her minor son, Robert L. Graham, Cherokee Card No. 10747, Approved Roll Nos. 31779 and 31801.

John W. Graham, husband and father and intermarried applicant, being sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A John W. Graham.  
Q How old are you? A I am 61 years old coming, I am 60 and past.  
Q What is your post office? A Inola, Indian Territory.  
Q Was it formerly McLain, Indian Territory? A Yes sir.  
Q What is the name of your father? A Giddeon Graham.  
Q What is the name of your mother? A Elisabeth.  
Q Are you an applicant for intermarried rights in the Cherokee Nation?  
A Yes sir.  
Q What is the name of your Cherokee wife? A Missouri Graham.  
Q What are the names of your children that are on the rolls that you want to file for? A Robert L. Graham.  
Q Are your wife and this child living at this time? A Yes sir.  
Q Are they living with you? A Yes sir.  
Q What is your object in appearing at the land office today?  
A To designate lands for an allotment for my wife and son.  
Q Are there any improvements on this land? A Yes sir.  
Q Are these lands suitable for an allotment? A Yes sir.  
Q Are the lands part of your home place? A Yes sir.  
Q Has any previous application been made for an allotment of lands for Missouri and Robert L. Graham? A There has not.  
Q Have you any written authority from your wife to make these designations? A Yes sir. I have.

Applicant offers power of attorney executed by Missouri A. Graham, dated March 8, 1905, wherein she appoints John W. Graham her lawful attorney to select lands in the Cherokee Nation for herself and her minor child, Robert L. Graham.

- Q Is the Missouri A. Graham who executed this power of attorney identical with Missouri Graham, your wife? A She is.  
Q Is Robert Lee Graham identical with Robert L. Graham about whom you have been testifying? A He is.  
Q Do the lands you desire to allot to your wife and child lay west of Grand river? A Yes sir.  
Q State the reasons why your wife does not make personal appearance and selection for herself and child? A Because it is so disagreeable and muddy and not convenient for them to leave home. I have cattle and stock there.  
(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 9th day of March, 1905.

*Blanch Ashton*  
*A. W. Graham*

FILED  
MAR 20 1905  
COMMISSION TO FIVE TRIBES.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, March 20, 1906.

In the matter of the allotment of land to Missouri Graham and her minor son Robert L. Graham, Cherokee Card No. 10747, Approved Roll No. 31799 and 31801.

John W. Granham husband and father and intermarried applicant Cherokee Card D. 23, being sworn, testified as follows:

Examination by the Commission?

- Q What is your name? A John W. Graham.  
Q How old are you? A I am 61 years old, coming. I am past 60.  
Q What is your post office? A Inola, Indian Territory.  
Q Was it formerly McLain, Indian Territory? A Yes sir.  
Q What is the name of your father? A Giddee n Granham.  
Q The name of your mother? A Elizabeth Graham.  
Q Are you an applicant for intermarried rights in the Cherokee Nation? A Yes sir, have a Cherokee wife.  
Q What is the name of your wife? A Missouri Graham.  
Q What is the name of her father? A James Dawson.  
Q What is the name of her mother? A Tempy Dawson.  
Q Give the names of your children that are on the rolls? Robert L. Graham.  
Q Are your wife and this child living at this time? A Yes sir.  
Q Are they living with you? A Yes sir.  
Q What is your object in appearing at the Land office today?  
A To designate land for an allotment for my wife and son.  
Q Are there any improvements on this land? A Yes sir.  
Q Are the lands suitable for an allotment? A Yes sir.  
Q Are the lands part of your home place? A Yes sir.  
Q Has any previous filing been made for an allotment of lands for Missouri and Robert L. Graham? A No sir.  
Q Have you any written authority from your wife? A Yes sir, I have.

Applicant offers power of attorney executed by Missouri Graham, dated March 8, 1906, wherein she appoints John W. Graham her lawful attorney to select lands in the Cherokee Nation for herself and her minor child Robert Lee Graham.

- Q Is the Missouri A. Graham who executed this power of attorney identical with the Missouri Graham your wife? A She is.  
Q Is Robert Lee Graham identical with Robert L. Graham about whom you have been testifying? A Yes sir.  
Q Do the lands you desire allotted to your wife and child lay west of Grand river? A Yes sir.  
Q State the reasons why your wife does not make personal appearance and selection for herself and child? A Unadvisable and impossible for them to leave home. I have cattle and stock there.

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 20th day of March, 1906.

*Blanch Ashton*  
Notary Public.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 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 December 23, 1902, granting the application for the enrollment of Francis L. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna B. Atkins, Edward C. Atkins, George J. F. Atkins, Francis L. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, Lay Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Norman, John Dawson, Robert B. Dawson, Iola H. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas F. Dawson, Haries J. Dawson, Oris H. Dawson, Burr E. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Douglas E. Pierce, Ora Gray, Cecil Gray, Veltau Gray, Myrie Ann, Jesse J. Toole, James E. Boggs, Nina E. Boggs, John E. Boggs, Myrtle E. Boggs,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Fera Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis T. Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence H. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberts A. Painter, Roy W. Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John T. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Deal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Tockie A. Jackson, Fannie Lanox, Birtie E. Lanox, Myrtle Lanox, Texansa Woolley, Irava T. Woolley, Wilbur E. Woolley.

Fittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulausky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Ozie Jackson, Lizzie Jackson, Jennie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Selma Lowe, Roberts Love and Rosa Love as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation, and discharging the application for the enrollment of William Pierce, Cecil Brown, Green V. Jackson, Lizzie Graham and Margaret Graham.

-4-

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,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-130.



COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

A. S. McKennon,  
Attorney for Francis M. Dawson, et al,  
Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Norman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles I. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecill Gray, Valtan Gray, Essie Akis, Harry J. Bogie, James E. Bogie, Edna E. Bogie, John E. Bogie, Mattie E. Bogie, Claude Bogie, Nancy Edith Bogie, Joseph A. Dawson, Clarence M.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Fulus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer E. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace S. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempe V. Graham, Robert S. Graham, Orlson Graham, John T. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe K. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Deal, James H. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie B. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Frankie A. Jackson, Fannie Jones, Bertie E. Lenoir, Myrtle Lenoir, Fumona Woolley, Lewis W. Woolley, Wilbura E. Woolley, Kittie Richardson, Elmer Floefney, Talies Floefney, Alice Floefney, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Della F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris G. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah P. Dawson, August Bulausky, Mennie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogie, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Leno, Willie T. Dawson, Henry T. Richardson, Malissa A. Dawson, Hiram P. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Orla Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William H. Hays, Scott Hays, Susan F. Jackson, Lizzie Graham and Harriet Hays.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

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 both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be 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.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior.

Respectfully,

(Signed) TAMS BIRBY,

Acting Chairman.

Enc.. H-45.

Register.

D-23

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 25, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Elna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Matt Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Wianke Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James F. Dawson, Vergal E. Dawson, Thomas P. Dawson, Marice J. Dawson, Edie M. Dawson, Sam J. Dawson, James W. Dawson, Robert Pierce, Edith Pierce, Arthur Pierce, E. Pierce, Oak Gray, Cecil Gray, Walton Gray, Errie Kirk, Nancy J. Dogie, James E. Dogie, Edna E. Dogie, John E. Dogie, Marvin E. Dogie,



Claud Bogle, Nancy Edith Bogle, Joseph P. Dawson, Clarence H. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Bora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph H. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Helen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse E. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Seal, James H. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Teshie A. Jackson, Fannie Loxx, Bertie E. Loxx, Myrtle Loxx, Thomas Woolley, Irene W. Woolley, Wilburn E. Woolley.

Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Minis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Drauer, Lula Pearl Weddle, Curtis Weddle, Morris C. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Julawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Dessie Graham, James H. Farmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonso M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham.

-4-

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) JAMES HIXBY,  
Chairman.

Enc. M-135.

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Through the  
Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, 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 matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

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

Respectfully,  
(Signed) TAMS DIBBY,  
Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McFennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, 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 BLIXBY,

Chairman.



COPY

Cherokee D-23,

Muskogee, Indian Territory, February 26, 1903.

John W. Graham,  
McLain, I. T.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your wife, Missouri Graham, and your two minor children, Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewaka, 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 both your attorney and the principal 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,

Enc. H-37.  
Register.

Acting Chairman.

Refer in reply to  
the following:  
LAND  
23858-1903.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, October 18, 1903.

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP IX.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting Group 1 of this consolidated case, there is enclosed herewith the record relative to the parties applicants to Group IX. of the Francis M. Dawson, et al. case.--

D. 23, Group IX. page 1.

John W. Graham applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Missouri Graham, and their minor children, Tompa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation.

D. 24, Group IX. page 2.

Gideon Graham applies for the enrollment of himself and his minor children, John W., Julia C., Francis W., Mary E., Jesse H., Gracie H. and Florence H. Graham, as citizens by blood, and for the

enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage.

D. 836, Group IX. page 11.

Matthew A. Painter applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Laverne A., and their children, Ada R., Eva P., John W., Ray D., Robert A., and Roy V. Painter, as citizens by blood. Roy V. was born after the date of his father's original application and is identified by birth certificate.

D. 1124, Group IX. page 21.

Charles T. Bradshaw applies for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence P., and their minor children, Myrtle and Claude Bradshaw, as citizens by blood.

D. 1125, Group IX. page 25.

Joe H. Graham applies for the enrollment of himself and his minor child, William C. Graham, as citizens by blood.

D. 1126, Group IX. page 23.

John F. Graham applies for the enrollment of himself and his minor children, Mina M. and Robert Lee Graham, as citizens by blood. Robert Lee Graham was born subsequent to the date of his father's original application, and he is identified by a birth affidavit.

D. 1127, Group IX. page 34-1/2.

James Neal applies for the enrollment of his wife, Joe Willie Neal, as a citizen by blood.

D. 1128, Group IX. page 38.

James M. Graham applies for the enrollment of himself and his children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as an intermarried citizen. Floyd Graham was born after the original application and is identified by a birth affidavit

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The Commission in its decision of December 23, 1902, held that all the applicants above named, except Liddie and Margaret Graham, who died prior to September 1, 1902, were entitled to enrollment---- John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, as citizens by intermarriage, and the others as citizens by blood.

John W. Graham, (Group IX. page 1), February 12, 1888, married Missouri Dawson, who was admitted to citizenship by the Spears Commission or Court, September 9, 1884. This Court was composed of Eli Spears, John Lee, Andrew Young, John L. Mair was clerk pro tem of the Court. The marriage of February 12, 1888, was performed in accordance with the laws of the Cherokee nation. John W. Graham and his wife, Missouri, were first married in 1866, in accordance with the laws of the State of Texas. John W. Graham and his wife have lived

in the Cherokee Nation since 1888. His name, the name of his wife and the names of his two children appear on the 1896 Cherokee census roll.

Gideon Graham, (Group IX, page 5), is the son of John W. and Missouri Graham, and was a minor when his mother was admitted to citizenship in the Cherokee Nation. He was married to Elizabeth Graham nee Sydow in accordance with the laws of the State of Texas, October 10, 1886. Gideon Graham, his wife and all of their minor children, except Florence H., are identified by the 1896 census roll. Gideon Graham and his family appear to have lived in the Cherokee Nation since 1888. Gideon Graham is identified by the 1894 roll.

Matthew A. Painter, (Group 9, page 11), was married to Laverna A. Painter nee Graham, under the Cherokee law, August 19, 1888. It seems that these parties were first married, September 22, 1887, but not in accordance with the laws of the Cherokee Nation. Laverna A. Painter is a daughter of John W. and Missouri Graham. She was a minor when her mother was admitted to citizenship. Matthew A. Painter, his wife and minor children, except Ray D., Robert A. and Roy V., are identified by the 1896 roll. From the record it appears that the principal applicant and his family have lived in the Cherokee Nation since 1888.

Charles T. Bradshaw, (Group IX., page 21), was married to Florence Bradshaw nee Graham in accordance with the laws of the Cherokee nation, March 24, 1894. Florence Bradshaw is a daughter of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1894, under the name of Jones. From the record



it does not appear that the name of Charles T. Braishaw is found on any of the rolls of the Cherokee Nation. Florence Graham is identified by the 1894 census roll. Florence Braishaw and her family appear to have resided in the Cherokee nation since 1888.

John F. Graham, (Group IX. page 33), is the son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, and the principal applicant was a miner when his mother was admitted. He was married to Mattie Lawson, February 11, 1900. ~~Mattie Lawson is a non-citizen. His name appears on the 1894 pay-roll, but does not appear on the 1896 roll.~~

James Neal, (Group IX. page 36-1/2), is a recognized citizen of the Cherokee Nation by blood and is enrolled as such. He was married to Joe Willie Neal nee Graham, a daughter of Missouri Graham, who was admitted to citizenship September 9, 1884, under the name of Dawson. The name of Joe Willie Neal is found on the 1894 pay-roll, as is also the name of her husband. She was a minor when her mother was admitted to citizenship, and she has lived in the Cherokee nation since 1888.

James M. Graham, (Group IX. page 38), is a son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship in the Cherokee Nation, September 9, 1884. November 2, 1908, James M. Graham was married to Bonnie Willis, in accordance with the laws of the Cherokee nation. The name of James M. Graham is found on the 1894 pay-roll. Marion Graham is also identified by that roll. The

other minor children are properly identified by birth affidavits.

In connection with this group, attention is respectfully invited to office report of even date transmitting group 1, and for the reasons therein stated the approval of the commission's decision is recommended, except as to John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, who apply for enrollment as intermarried citizens.

As hereinbefore stated, the record shows that Lizzie and Margaret Graham died before September 1, 1902.

Attention is also invited to Department letter of June 10, 1903, (I.T.D. 2306), in the Martha Hill case.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

G.A.W.-L.C.

(COPY)

I.T.D. 7442-1903.

JMS WCF SVP.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY GENERAL.

WASHINGTON, February 18, 1904.

The Secretary of the Interior.

Sir:

I am in receipt, by reference of December 29, 1903, of the report, October 16, 1903, of the Commissioner of Indian Affairs, transmitting the proceedings of the Commission to the Five Civilized Tribes upon the application of Francis M. Dawson and others (230 persons) for enrollment as citizens by blood of the Cherokee Nation, with request for my opinion----

as to the powers and duties of the Commission and the Department in cases of this class, that is, where persons have been admitted to Cherokee citizenship by tribal acts and decrees, where fraud is alleged.

If, in your opinion, the Department has the authority to investigate cases of this kind, it desires to be advised:

1. What character of evidence is sufficient to warrant such investigations?
2. If proper evidence of fraud exists, should applicants be rejected or allowed a rehearing to show, if possible, other and lawful grounds for enrollment?
3. In this, the Dawson case, what action should now be taken by reason of the alleged fraud?

Part of the applicants claim under judgments of the Cherokee Citizenship Court of January 11, and September 14, 1883, admitting them or their ancestors to citizenship, and others claim, as stated by the letter of reference, under act of the National Council, approved December 1, 1884, granting such admission. Council for the Nation oppose enrollment of those claiming under

the judgments, on the ground that they were procured, as it is claimed, by bribery of the clerk of the court and by perjured testimony.

The ground of objection to enrollment of those claiming under the act of the Council does not appear to be discussed in the briefs submitted in the cases based upon judgments of the citizenship court, which are transmitted with the papers.

The Commission admitted the applicants to enrollment, and states the ground of its decision, that:

It is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed. Only such facts therefore are considered by this Commission as were not part of the record in the Robert Dawson case before the Teahoe Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teahoe Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

The duties of the Commission as to persons (not freedmen) claiming enrollment are defined by the first paragraph of section 21 of the act of June 28, 1898 (30 Stat., 495) 504), which directed the Commission to enroll all Cherokees (except freedmen) found on the roll of 1860 and descendants afterward born to them, and

all persons who have been enrolled by the tribal authorities and 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; and they shall investigate the right of all other persons whose names are found on any other rolls and such as may have been placed thereon by fraud or without authority of law, enrolling only such as are

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.

As the principal applicants here claim by enrollment after 1880, their cases must be determined under the provision above quoted. The principal applicants were admitted and enrolled by tribal authority, made permanent settlement in the nation, and have ever since resided there. The question is, whether the Commission may investigate as to the fact of the Cherokee blood of the principals admitted by judgments of the Citizenship Court, and upon a charge that the judgments were fraudulently procured.

It appears that a citizenship court or Commission was established in the Cherokee Nation which, January 11, 1883, on an application duly filed in the court, and after taking and considering evidence, adjudged that Robert Dawson, F. M. Dawson and others named--

are Cherokees 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 they are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Other applicants related to those thus admitted were admitted, September 14, 1883, by a similar decree and similar Commission, constituted of different persons. These decrees were duly recorded in the records of these tribunals, and no appellate or original proceeding was ever taken to reverse, modify, or vacate them. The parties so admitted were then living in the nation or soon after removed there, and have ever since resided therein, identifying themselves with the Indian community and co-operating



to its development and progress. They have built homes, improved lands, accumulated property, have always been recognized as Cherokees, been chosen to office, participated in the conduct of national affairs, been borne on its various rolls, participated in distribution of public moneys, and for twenty years have been in fact recognized as Cherokee citizens. When they apply for enrollment by the Commission to the Five Civilized Tribes they are met by the objection that they have in fact no Cherokee blood; that the testimony upon which the original decree was rendered ( the witness being now dead) was perjured; that the first petitioner ( now dead) corrupted the court (two of whom are now dead), and the present applicants, none or few of whom are charged with wrong-doing, must give up their lands and homes to those who have not improved, cultivated or built them, lost the nationality to which many of them have been born, and all are loyal, and seek elsewhere a new nationality, establish new homes, and work out a new heritage.

Assuming for the moment that the charge were fully proven, the result contended for does not, in my opinion, follow: It is said by Freeman on Judgments, section 435, 4th edition, that "the defendant in an action upon a judgment is never permitted to show that it was procured by perjury," citing *Demeritt v Lyford* (27 N.H. 541), and *Cottle v Cole* (20 Ia., 481). The same author says, section 503, that "equity will not relieve (against a judgment) on the ground of the absence of a witness who with diligence could have been procured, nor on the ground that a witness was guilty of perjury, nor because the suitor was absent from court, for it is his business to be there," citing *Cott v Carr*, 6 Gill & J.

(Md), 309, and Dilly v Barnard, 8 Gill & J., 171. Again, section 289, the author says:

The settled policy of the law forbidding that a matter once adjudicated shall be again drawn in issue while the former adjudication remains in force does not permit the prosecution of an action for obtaining a judgment by false and fraudulent practices, or by false and forged evidence. Neither can a party against whom judgment has been recovered sustain an action against his adversary and the witnesses for damages occasioned by their conspiring together and procuring a judgment by fraud or perjury as long as the judgment remains in force and unreversed; (citing)

Hillsborough v Nichols, 46 N.H. 379; Engstrom v Sherburne, 137 Mass. 153; Note 265, by C.H. & E., to Phillips on Evidence; Dunlap v Glidden; 31 Me. 435; 52 Am. Dec. 625, . . . Cunningham v Brown, 28 Vt. 123; 46 Am. Dec. 140; Smith v Lewis, 3 Johns. 157; 3 Am. Dec. 469.

The general rule is that judgments of every tribunal having jurisdiction, while remaining in force and not reversed or vacated, are conclusive upon the matters adjudged and not open to question in a collateral proceeding. This rule was fully sustained by the court in United States v Throckmerton (98 U.S., 61, et seq.) wherein the United States sought to cancel the patent to lands issued upon a decree for confirmation of a Mexican land grant, obtained as it was charged by a fraudulently antedated grant.

Nothing in the act in question indicates that a rule of law so wholesome, so essential to the stability of judgments, and to the peace of society, was intended by Congress to be abrogated. I am therefore of the opinion that judgments of the Indian tribal courts upon the question of Cherokee blood, left for years in force, unquestioned, and which never have been vacated, should be held conclusive upon the nation, and that the Commission correctly so held.

It is proper, however, here to remark, in justice to the dead applicant and the judges, that the evidence in the record, in my opinion, falls far short of showing improper conduct or motive on their part, or even to show error in their judgment. The strain of Cherokee blood claimed by the Dawson family originated in a marriage contracted prior to about 1823, so remote in time that it could only be established by persons already old in 1882. It could not be neither proved nor disproved by direct testimony of any one living, and is capable of proof only by family tradition, dimmed by the lapse of almost a century. It is obvious that judgments ought not to be ~~struck~~ aside and rights supposed to be vested to be struck down on that kind of evidence and in a collateral proceeding. I am therefore of the opinion that no action for correction of the alleged fraud ought to be taken as to those cases standing upon the adjudications.

As to the cases standing upon the acts of admission of the Cherokee Council, the same result follows, but for other reasons. This was a legislative grant. The Cherokee Council had plenary power to grant rights of citizenship. Being a legislative body, it was not bound by technical rules of evidence obligatory upon judicial tribunals. It might act on any evidence satisfactory to itself of the fact of Cherokee descent, or it

might grant citizenship to one not of Cherokee descent. Having made the grant, neither its motive nor the sufficiency of the evidence moving it, is open to question. That it did not annul the grant is alone and of itself sufficient.

Very respectfully,

(Signed) Frank L. Campbell,  
Assistant Attorney General.

Approved: February 18, 1904.

(Signed) E. A. Hitchcock,  
Secretary.

D C 10519-1904.

COPY.

J.W.H.

I.T.D. 7442-1903  
7466- "

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.

FHE

L.R.S.

March 31, 1904.

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

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee nation, with your decision of December 23, 1902, in which you disposed of these applications by groups, including in Group IX, which will be considered herein, the applications of those persons who claim enrollment through Missouri Graham, formerly Dawson, who was admitted to Cherokee citizenship September 9, 1884, by decree of the Cherokee Commission on Citizenship, of which Eli Spears was President.

Said decree recites that Missouri Dawson (now Graham) and others, "are Cherokees by blood and that by virtue thereof they are justly entitled to all the rights and privileges of Cherokee citizenship in the Cherokee nation, and that they should be and are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees."

Title D/ 23 refers to the application of John W. Graham for the enrollment of himself as a citizen by intermarriage,



and for the enrollment of his wife, the said Missouri Graham, nee Dawson, and his minor children, Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation. Missouri Graham, nee Dawson, has resided in the Cherokee Nation since 1865. She and her children, whose names appear above, are identified on the Cherokee census roll of 1896. Her name also appears upon the 1894 roll. On February 12, 1868, she was married to the said John W. Graham. A former marriage was entered into by them under the laws of Texas, in 1866.

Title D.35 refers to the application of Gideon Graham for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, as citizens by blood, and for the enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage, of said nation. Gideon Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1896 census roll and has resided in the Cherokee Nation since 1868. On October 10, 1886, he married Elizabeth Graham, nee Sydes, and the children named above are the issue of that marriage. Elizabeth Graham, and the six older children are identified on the census roll of 1896. The youngest child is identified by a birth affidavit.

Title D/ 836 refers to the application of Matthew A. Painter for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. Painter, and his minor children, Ada R., Eva P., John W., Ray D., Roberta A. and Roy V. Painter, as

citizens by blood of said nation. Laverna A. Painter is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified on the 1896 census roll and has resided in the nation since her marriage to said Matthew A. Painter, in 1888. He and their three older children are also identified on the census roll of 1896. The three younger children are identified by birth affidavits.

Title D. 1124 refers to the application of Charles T. Bradshaw for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence P. Bradshaw, and his minor children, Myrtle and Claude Bradshaw, as citizens by blood of said nation. Said Bradshaw was married March 22, 1894, to Florence P. Graham, in accordance with the laws of the Cherokee Nation. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. Florence P. Bradshaw, nee Graham, is identified on the 1894 strip payment roll, and has resided in the Cherokee Nation since 1888. Their children named above are identified by birth affidavits.

Title D. 1125 refers to the application of Joe E. Graham for the enrollment of himself and his minor child, William C. Graham, as citizens by blood of the Cherokee Nation. Said Joe E. Graham is a son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 strip payment roll, and has resided in the nation since 1884. He married Mary Bradshaw on January 6, 1888. William C. Graham is the issue of that marriage. He is identified by a birth affidavit.

Title D. 1126 refers to the application of John F. Graham for the enrollment of himself and his two minor children, Edna M. and Robert Lee Graham, as Cherokees by blood. Said John F. Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 roll and has resided in the Cherokee Nation since 1888. His children, who are the issue of his marriage to Mattie Lawson, a non-citizen, on February 11, 1900, are identified by birth affidavits.

Title D. 1127 refers to the application of James Neal for the enrollment of his wife, Joe Willie Neal, nee Graham, as a citizen by blood. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified upon the 1894 pay roll and has resided in the nation since 1888.

Title D. 1128 refers to the application of James M. Graham for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as a citizen by inter-marriage. The said James M. Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 pay roll and has resided in the nation since 1864. On November 2, 1892, he was married to Bessie Willis. The six children named above are the issue of that marriage. The eldest child, Marion, is identified on the pay roll of 1894. The other children are identified by birth affidavits.

The residence of all minor children referred to herein is considered to be that of their parents.

In your decision of December 23, 1902, you held that all of the applicants mentioned above are entitled to enrollment.

Reporting relative to this group October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, in so far as it related to those applicants who claimed by blood, and as to those claiming by intermarriage he recommended that no action be taken at this time.

The Department concurs in the recommendation of the Commissioner, and you are directed to enroll the applicants named above who claim by blood.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, alleging that the decree of the tribal court upon which these claims depend, was obtained through fraud. In this connection, see opinion of the Assistant Attorney General of February 18, 1904, in the Dawson case, copy of which was forwarded to you February 24, 1904.

A copy of Indian Office letter relating to this group is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

COPY.

Cherokee D-23.

Muskogee, Indian Territory, April 12, 1904.

John Graham,  
McLain, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 23, 1902, granting, among others, your application for the enrollment of your wife, Missouri Graham, and your two minor children, Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.



CONF

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis H. Dawson, et al.,  
South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis H. Dawson, et al., granting the applications for the enrollment of Francis H., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis H. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert H., Ralph H., Alford, Samuel R. August, Kate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola H., Lemuel H., Rosa B., Charles B., Hattie J., Jennings E., James U., Vergal C., Thomas P., Marice J., Orle H., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempa V., Robert E., Gideon, John W., Julius E., Francis W., Mary H., Jesse H., Gracie H. and Florence H. Graham, Laverna A., Aza E., Eva P., John W., May D., Roberts A., and

Ed. W. Painter, Florence L., Myrtle and Claude Bradshaw, Joe E.,  
William C., John F., Edna L. and Robert Lee Graham, Joe Willie Neal,  
James H., Mariah, Maggie, Luther and Floyd Graham, Mollie, Nora,  
Walker, Clara, Ora, James W., and Edna Edith Moore, Richard W. and  
Ina E. Dawson, Ella L., Hellen J. and William Glenn Spickerman,  
Albert L., Ralph E., Robert L., and William C. Dawson, Zoma, Sarah  
A., Martha A., Claud A., Edgar D., Thomas H. and Virgil V. Patterson,  
Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar,  
Wilburn, James H., Winnie E., Bernice C., Edwin C. and Ancil E.  
Dawson, Etta Brauer, Fitty, Della F., Minis T. and Jasper Cecil  
Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna  
Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A.,  
William A. and Annie B. Fishback, Lula P., Curtis, Morris O. and  
Roy Weddle, Florence, Glida and Alice A. Morgan, John E. Fishback,  
Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by  
blood of the Cherokee Nation, and dismissing the applications for  
the enrollment of Cecil Dawson, Liddie and Margaret Graham as citi-  
zens by blood of the Cherokee Nation, they having died prior to  
September 1, 1902, was affirmed by the Secretary of the Interior  
on March 31, 1904, and that the Commission's decision rejecting the  
applications for the enrollment of James, Kay, Zelma, Roberts, and  
Reas Lowe, Osis, Lizzie, Jessie, Kay, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Department of the Interior on the same date.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

COPY.

Cherokee D 124, et al.

Muskogee, Indian Territory, April 12, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Eula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. W. Atkins, John L., Albert K., Ralph K., Alford, Samuel R., August, Kate and Robert Dawson, Mattie Newman, Josephine, Dora, Ida, Annie, Blanche, Ray and Oscar Bulawsky, John, Robert B., Iola K., Lemuel W., Rosa B., Charles B., Hattie J., Jennings B., James U., Vergal C., Thomas P., Maries J., Orle K., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William B. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tempe V., Robert S., Glendon, John W., Julius S., Francis W., Mary K., Jesse E., Gracie H. and Florence H. Graham, Lavorna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina B. Dawson, Ella L., Hallen J. and William Glenn Spickeman, Hilbert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas R. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Clec, Rufus T., Edgar, Wilborn, James R., Winnie D., Eraine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie E. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Elide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Isbry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Solma, Robert, and Rosa Iowa, Ozie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens



-3-

by blood of the Cherokee Nation, was reversed by the Executive of  
the Interior on the same date.

Respectfully,

SIGNED

*T. B. Neacles.*

Commissioner in Charge.

Tablequah, Indian Territory. May 21, 1904.

Commission to the Five Civilized Tribes,  
(Cherokee Division),  
Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith original cards, jackets and reports in Cherokee doubtful cases as follows:

D-25 John W. Graham  
D-26 Elizabeth Graham  
D-518 Charles F. Moore  
D-524 Matthew A. Painter  
D-1124 Charles F. Bradshaw  
D-1128 Beanie Graham.

Decisions have been rendered in these cases and all the applicants transferred except intermarried applicants. Jackets and records are forwarded to be retained in the office at Muskogee until such time as decisions can be rendered as to the intermarried applicants.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

100  
Encl 2-50

COPY.

Cherokee-1073

Muskogee, Indian Territory, June 29, 1902.

A. S. Harrod,

McLain, Indian Territory.

Dear Sir:

There is herewith inclosed Marriage License and Certificate showing the marriage of yourself to one Tempy Graham, on August 31, 1902, copies thereof having been retained in the Office of the Commission.

Respectfully,

Incl. 8-41.

(SIGNED)

*Jams Bixby.*

Chairman.

CHEROKEE 7074

In answer to law of al.

See record in this case  
see of the John H.  
Graham of

Cher 10748

Gideon Graham

Cher 10748



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Westville, I.T., July 16, 1900.

In the matter of the application of Gideon Graham et al for enrollment as Cherokee Indians; being sworn and examined by Commissioner Nealles he testified as follows:

- Q What is your name? A Gideon Graham.  
Q What is your age? A Thirty-three.  
Q What is your post-office address? A Wagoner.  
Q Where do you live? A Wagoner.  
Q How long have you lived there? A About eight years.  
Q Where did you live prior to that time? A In Vinita.  
Q About eight years you have been living in the Creek country?  
A Yes sir.  
Q Where did you live prior to that? A I lived near Vinita.  
Q How long have you lived in the Indian Territory? A About twelve years.  
Q Continuously? A Yes, sir, never lived out of it.  
Q For whom do you apply? A For myself and family, my wife and children.  
Q Are you a Cherokee? A Yes sir.  
Q You make application as a Cherokee by blood? A Yes sir.  
Q What is the name of your father? A John W. Graham.  
Q Is he living? A Yes sir.  
Q Is he on the Rolls of the Cherokee Nation? A Yes sir.  
Q To what district does he belong. A He formerly lived in Delaware, he is in Canadian.  
Q Your mother living? A Yes sir.  
Q To what district does she belong? A Canadian.  
Q Your name appear upon the 1880 authenticated roll? A No sir.  
Q Does it appear upon the 1894 roll? A Yes sir, I reckon so.  
Note: 1894 roll examined, page 1070, #1280, Tahlequah District, Gideon Graham.  
1896 roll, Gideon Graham, page 1178, # 1304, Tahlequah District.  
Q Did you ever apply to the Cherokee Tribal authorities for citizenship in the Cherokee Nation? A No sir.  
Q Did you ever apply to the Commission to the Five Civilized Tribes, known as the Dawes Commission? A No sir.  
Q Your name does not appear upon the authenticated roll of 1880.  
A No sir.  
Q By what right do you claim citizenship? A By my mother, my ancestors.  
Q Your mother's name wasn't upon the roll of 1880? A No sir she was admitted here by the properly constituted authorities in 1883.  
Q Have you a certificate of that admission? A No sir.  
Q Or a certified copy? A No sir, I haven't. But I can get it all right.  
Q Are you married? A Yes sir.  
Q Under what law were you married? A Under the laws of Texas. I was married in Texas.  
Q Have you a marriage license and certificate with you? A No sir.  
Q What is your wife's name? A Elizabeth.  
Q What was her name before she was married? A Elizabeth Sydow.  
Q Does her name appear upon the rolls of the Cherokee Nation?  
A It appears upon all of them I suppose.  
Q Is her name upon the rolls of 1880? A No sir.  
Note: 1880 roll examined, Elizabeth Graham, page 1280, Tahlequah District.  
Q Is that the only roll her name appears upon? A No sir, she would be upon the roll of 1890, Delaware District.  
Q Her father and mother are both white people? A Yes sir.  
Q In what year were you married? A 1883.  
Q You claim your wife as a lawfully married citizen? A Yes sir.

Gideon Graham, et al., #2.

- Q You being admitted in 1883? A My mother was admitted in 1883.  
Q How old were you in 1883? A I was born in 1867, January first.  
Q She was admitted in 1883? A Yes sir.  
Q That was before you was twenty-one years of age? A Yes sir, I was about sixteen or seventeen.  
Q You do not present any copy of the act of admission of your mother? A No sir, I haven't got it here.  
Q Is your name in the decree admitting your mother? A No sir, it is not.  
Q Have you got any children? A Yes sir.  
John W. Graham, thirteen years old. (On 1896 roll, page 1178, #1305, John V. Graham, Tahlequah District;) Julius E. Graham, eleven. (On 1896 roll, page 1178, #1306, Julius Graham, Tahlequah District.) Francis W. Graham, nine years old. (On 1896 roll, as Francis Graham, page 1178, #1307, Tahlequah District. Mary E. Graham, seven years old. (On 1896 roll, page 1178, #1308, Tahlequah District.) Jesse E. Graham, five years old. On 1896 roll, page 1178, #1309, Tahlequah District. Grace W. Graham, four years old. On 1896 roll, page 1178, #1310, as Gracie Graham. Florence Graham three months old.  
Q Are these children all living and living with you? A Yes sir.

Examination by Att'y W. W. Hastings, Att'y for Cherokee Nation.

- Q Where were you married? A Married in Texas.  
Q In what year? A 1886.  
Q What is your oldest child's name? A John W.  
Q Where was this child born? A In Texas.  
Q In what year? A In 1887.  
Q What is your second child? A Julius.  
Q Where was it born? A In Texas.  
Q In what year? A In 1889.  
Q Then you never moved to the Cherokee Nation until about 1889?  
Q That's right.  
Q You never moved to the Cherokee Nation until you were twenty-two or twenty-three years of age; and had been married three or four years? A No sir, I don't say that.  
Q You were married in 1886 and the child was born in 1889?  
Q About two years, I moved here before this second child was born, I left my wife in Texas and came on out here.

Com'r Needles: Gideon Graham applies for citizenship as a Cherokee by blood, claiming that his mother was admitted by act of the Cherokee Council in 1883 as a Cherokee citizen; he presents no copy of the decree or act admitting him or certified copy of same; he acknowledges that his name was not included in the act or certificate admitting his mother, but claims as a descendant, by reason of being a descendant. His name is found upon the roll of 1896, page and number as indicated. He claims to have been married to his wife, Elizabeth Sydor, in 1886, but presents no certificate of marriage or proof of same. Her name appears, though, upon the roll of 1896 as per page and number as mentioned herein. Because of the fact that Gideon Graham's name does not appear, according to his own testimony, upon the certificate of admission issued to his mother by the Cherokee authorities, his name will be placed upon a doubtful card, no proof of marriage, of any kind being presented to this Commission. His seven children as named in this statement, will also be placed upon a doubtful card, awaiting proof of citizenship of their father and mother. It will be necessary for Mr. Graham to furnish proof of his marriage to his wife, Elizabeth, and also certificate of birth as to Florence Graham, she being three months old, and her name not being found upon the roll of

Gideon Graham, et al. #3.

1896. The six other childrens' names are found upon the roll of 1896, and identified as stated in the testimony.

The representatives of the Cherokee Nation protest against the name of Gideon Graham and his family being enrolled even upon a doubtful card, as his name according to his own acknowledgement was not in the decree or act admitting his mother, and he is in no wise a Cherokee citizen and should be rejected by this Commission.

Statement by Atty W.W.Hastings, representative of the Cherokee Nation:

The representatives of the Cherokee Nation also reverse the right to contest the admission of the mother of this applicant, on the ground of fraud, in case proof is subsequently presented of that fact.

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 16th day of July 1900.

(Signed) T. B. Needles,  
Commissioner.

---:---

Edith L. Morey, being first 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 complete copy of the original transcript.

*Edith L. Morey,*

Subscribed and sworn to before me this the 20 day of August 1904.

*Charles H. Sawyer*  
Notary Public.

# CHEROKEES BY BLOOD AND ADOPTION.

<sup>33</sup> Name Hudson Graham Date July 16 1896.  
Waynes Co. T.

District Fahl. Year 1896 Page 1178 No. 1304

Citizen by blood Yes Mother's citizenship Cherokee

Intermarried citizen \_\_\_\_\_

Married under what law us Date of marriage Not stated

License \_\_\_\_\_ Certificate Not stated

Wife's name Elizabeth Graham

District Fahleguoke Year 1896 Page 1280 No. 90

Citizen by blood 710 Mother's citizenship \_\_\_\_\_

Intermarried citizen Yes

Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_

License \_\_\_\_\_ Certificate \_\_\_\_\_

Names of Children:

<u>John W. Graham</u>	Dist. <u>Fahl</u>	Year <u>1896</u>	Page <u>1178</u>	No. <u>1305</u>	Age <u>13</u>
<u>Julius E.</u>	Dist. <u>"</u>	Year <u>"</u>	Page <u>"</u>	No. <u>1306</u>	Age <u>11</u>
<u>Francis W. Graham</u>	Dist. <u>"</u>	Year <u>"</u>	Page <u>"</u>	No. <u>1307</u>	Age <u>9</u>
<u>3 Mary E.</u>	Dist. <u>"</u>	Year <u>"</u>	Page <u>"</u>	No. <u>1308</u>	Age <u>7</u>
<u>Jesse E.</u>	Dist. <u>"</u>	Year <u>"</u>	Page <u>"</u>	No. <u>1309</u>	Age <u>5</u>
<u>4 Emily M.</u>	Dist. <u>"</u>	Year <u>"</u>	Page <u>"</u>	No. <u>1310</u>	Age <u>4</u>
<u>5 Florence</u>	Dist. _____	Year _____	Page _____	No. _____	Age <u>3 2006</u>
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____

2 on 1896 201 us Francis Graham  
3 " " " Elizabeth " "  
4 " " " Grace " "  
affidavit as supplied - 235

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# AFFIDAVIT

◆◆◆◆◆

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

In the matter of the application of \_\_\_\_\_

*Gideon Graham* for enrollment as a Cherokee Freedman.  
No. F. D. *35* *Wagoner, Okla.*

\_\_\_\_\_ of lawful age, being duly sworn on

oath states that on the *10th* day of *March*, A. D. *1902* he registered  
to *Gideon Graham* whose postoffice is *Wagoner, I. T.*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at *Muskeget, I. T.* Indian Territory;

and that on the *12th* day of *March*, 190*2* he received the return  
card which is hereto attached, signed by the said *Gideon Graham*, showing  
that he had received said notice.

Subscribed and sworn to before me on this the *12* day of *March*, A. D. *1902*

*J. C. Starr*  
Notary Public.



C. D. 35

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
..... day of ..... A. D. 190

Given under my hand this .....  
day of ..... A. D. 190

.....  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the

..... day of ..... 190

.....  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

.....  
on the ..... day of ..... A. D. 190

.....  
Subscribed and sworn to before me

.....  
this .....

.....  
Notary Public.

MISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
MAR 23 1902

~~.....~~ ACTING MARSHAL

# NOTICE!

IN THE MATTER OF the application of Gideon Graham, et al.  
for enrollment as Cherokee citizens:  
Case No. 135 *Mayner, J. T.*

to Gideon Graham, et al.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.**

Indian Territory, on March, 17, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 10, 1902.

*M. W. Hastings*  
Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 Muskegee, I. T., October 17, 1902.

In the matter of the application of Gideon Graham for the enrollment of himself and his seven minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, as citizens by blood, and for the enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS,

GIDEON GRAHAM, being sworn, testified as follows:

By the Commission,

- Q Your name is Gideon Graham? A Yes, sir.  
 Q How old are you? A Thirty-five years old.  
 Q What is your postoffice? A Wagoner.  
 Q Are you a Cherokee by blood? A Yes, sir.  
 Q Your mother was admitted to citizenship in '83? A Yes, sir.  
 Q Have you been living in the Cherokee Nation since '83? A No, sir, in '87 or '88.  
 Q You came here in '87? A Yes, sir.  
 Q Have you been living in the Cherokee Nation since '87? A No, sir.  
 Q Have you been living in Indian Territory since '87? A I have been living in Wagoner for the last seven years.  
 Q What's your wife's name? A Elizabeth.  
 Q Is she a white woman? A Yes, sir.  
 Q When were you married to her? A '86.  
 Q She your first wife? A Yes, sir.  
 Q You her first husband? A Yes, sir.  
 Q Have you and your wife been living together since your marriage? A Yes, sir.  
 Q Never been separated? A No, sir.  
 Q Living together now? A Yes, sir.  
 Q How many children have you? A Seven.  
 Q Are they all living? 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.

*Retta Chick*

Subscribed and sworn to before me this 17th day of November, 1902.

*[Signature]*  
 Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I. T., SEPTEMBER 14th, 1880.

IN THE MATTER OF THE APPLICATION OF FRANCIS MARION DAWSON, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breakinridge, testified as follows:

- Q What is your full name? A Francis Marion Dawson.  
Q What is your age? A I am fifty eight years old.  
Q What is your Postoffice? A Osceola.  
Q What District do you live in? A Delaware.  
Q Who is it you want to have enrolled? A Myself and family.  
Q Your wife? A Yes, sir.  
Q How many children? A Six.  
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.  
Q Is your wife a Cherokee by blood? A No, sir; she is a white man.

Q How long have you lived in the Cherokee Nation? A Since 1883.  
Q Were you admitted by the Cherokee Commission? A Yes, sir.  
The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

- Q That is your name is it? A Yes, sir.  
This is recognized as satisfactory evidence of the facts stated.  
Q Have you lived in the Cherokee Nation ever since your admission?  
A Yes, sir; in Delaware District ever since.  
Q Give me the name of your wife? A Katie Dawson.  
Q How old is she now? A Forty five.  
Q Was she admitted with you? A No, sir.  
Q Have you married her according to Cherokee law since your admission? A No, sir.  
Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. W. Goudslock, in Carroll County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

- Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.  
Q Or at any other time? A No, sir.  
Q By act of the Commission or Council? A No, sir; she was placed on the rolls.  
Q On the census rolls? A Yes, sir.  
Q Give me the names of your children, please? A Ella.  
Q How old? A Seventeen.  
Q Next child? A Ray.  
Q How old? A Fifteen.  
Q Next child? A Jennie Jane.  
Q How old? A Fourteen.  
Q Next child? A Jacob Levy.  
Q How old? A Ten.  
Q Next child? A Ruth A.  
Q How old? A No in eight I believe.

- Q Next child? A Laura  
 Q How old is that child? A She is four years old.  
 Q Is that all? A Yes, sir; six of them. I have others, but they are not at home.  
 Q Are they married? A No, sir.  
 Q Are they over age? A Yes, sir.

(1896 Roll, Page 461,	#902,	Frank Marion Dawson,	Delaware.	)
(1896 Roll, Page 509,	#135,	Katie Lawson,	Delaware District.	)
(1896 Roll, Page 461,	#903,	Lula Dawson,	" "	)
(1896 Roll, Page 461,	#904,	Ray Dawson,	" "	)
(1896 Roll, Page 461,	#905,	Jesse James Dawson,	Delaware Dis't.	)
(1896 Roll, Page 461,	#906,	Jacob Levy Dawson,	" "	)
(1896 Roll, Page 461,	#907,	High J. Langmore Dawson,	" "	)
(1896 Roll, Page 461,	#908,	Laura Albertine Dawson,	" "	)

- Q Is this Lula or Luly? A Luly.  
 The applicant applies for the enrollment of himself, wife and six children:  
 Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission; she has never been remarried according to Cherokee law; she has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896. They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

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) F. R. Cravens.

Subscribed and sworn to before me  
 this 18th day of September, 1905.

(Signed) C. R. Brockinridge,  
 Commissioner.



BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :  
of F. M. Dawson and others as :  
Cherokee citizens. :  
----- :  
:

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of T. B. Denison in the Gray-Halsoli building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q State your name, age, residence and occupation?  
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation, I. T. I am a farmer.  
Q How long have resided in the Cherokee Nation? A All my life.  
Q Are you a citizen of the Cherokee Nation as now constituted?  
A Yes, sir.  
Q Upon what is that citizenship based, blood or otherwise?  
A Blood.  
Q What, if any official position have you held in the Cherokee Nation, and at what time?  
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.  
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.  
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.  
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?  
A There were three, Tohoo, Pelf and myself, Tohoo was President of the Court.  
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.  
Q Did you have a clerk? A Yes, sir.  
Q Do you remember who that was? A D. W. C. Duncan.  
Q Do you know whether the members of that Commission besides yourself, are living or dead? A Yes, sir, they are both dead.  
Q Can you recollect now what period of time that Commission lasted?  
A About two years I think, two, sessions, and there was one session each year.  
Q Were the sessions of that body held in Tahlequah, open to the public at all times and it was in session?  
A Yes, sir.  
Q Were the same sessions before that body held in open session?  
A Yes.  
Q Witnesses examined, correct? A Yes, sir.

Q. Signments of the Court or Commission pronounced in open session?  
 A. In case of decisions I think they sometimes had secret sessions, but the judgments of the Commission were pronounced openly.  
 Q. What you intended to convey by you answer to the former question after hearing the proof the Commission or Court deliberated in a secret session upon the testimony taken before reaching a decision or announcing it? A. After hearing all the testimony we had a secret session.  
 Q. Will you present you with a paper which the Notary will mark and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record of the Commission, Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?  
 A. I recognize the signature to it, but don't remember the instrument.  
 Q. Which signature on that paper do you recognize? A. My own.  
 Q. That signature is in your own handwriting? A. Yes, sir.  
 Q. Do you know whether Thomas Tehee, president of the Commission could write in English or not? A. No, I don't think he could.  
 Q. How as to Alexander Wolfe, a member of the Commission?  
 A. I don't think he could write either, I don't think either of them ever wrote except by touching the pen.  
 Q. Were you, and are you familiar with the handwriting of D. W. C. Bragdon, the Clerk of that Commission?  
 A. Terribly well, but it has been a long time since I saw any of it.  
 Q. Will you look at the paper again and say whether you recognize the signature attached thereto?  
 A. Yes, that is his signature to the best of my knowledge.  
 Q. Do you preserve any personal recollection of the application before that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by that Commission?  
 A. I remember F. M. Dawson and his brother, that is about the only ones I remember.

The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?

A. Yes, there was such a claim before the Commission.  
 Q. Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?  
 A. Yes, sir, he was always recognized as such, full blood besides.  
 Q. What is your knowledge of Alexander Wolfe?  
 A. About the same, he was also a full blood and recognized as a Cherokee.

Q. Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?

A. None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

#### CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q. Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?  
 A. Yes, sir.

Q. Then Mr. Bragdon certified that this is a transcript of the decision in the case, he is mistaken, that is the original?  
 A. No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.

Q. You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took an oath

- affidavits of witnesses when those witnesses were not present?  
A Yes, sir, we ruled ex parte evidence out, as well as I remember.  
Q Did you have any stenographer or anybody to copy the evidence?  
A Yes, sir, all of the copying.  
Q Was the evidence copied and preserved?  
A Yes, sir, I think it was.  
Q What was done with that evidence, where was any of it ever put?  
A I don't know, it is at Tahlequah in the office of the Treasurer or Secretary.  
Q When you went into secret session did you have Mr. Duncan read that evidence to you?  
A Yes, sir, we went over the evidence thoroughly.  
Q Did you allow the applicants or their attorneys admission to any of your secret sessions?  
A No, sir.  
Q When you got ready to render your decisions did you then send for the applicants or their attorneys?  
A No, sir.  
Q All you rendered them in secret also, did you? A Yes, sir.  
Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.  
Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.  
Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

- A I don't know that they did, particularly.  
Q How could your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

- A By the evidence they produced.  
Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.  
Q Who was the attorney for the Dawsons? A Old man Kounton Benge.  
Q Could either Teebe or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.  
Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.  
Q How long were you considering the case altogether?  
A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.  
Q There were only two or three witnesses examined all told, were there not?  
A I think so, three I think, they had quite a lot of affidavits, but I don't consider them.  
Q Was the Court was a good while arriving at its conclusion after the evidence was closed?  
A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

- Q Do you remember who the interpreter the Commission had during the hearing of the Lawson case?  
A His name was Reese, I forget his given name.

Q Do you know whether he is living or dead?

A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.

Q What was he, a Cherokee by blood?

A He was considered a Cherokee by blood.

Q Do you know where he lived at that time?

A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,  
Indian Territory,  
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, herby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Miel Record Mortg. & Liens, page 339,

Witness my hand and seal of said court at Muskogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

H. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation,  
Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,  
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1893.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilber Dawson, James Dawson, Rial Dawson,  
vs.  
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1893, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilber Dawson, James Dawson, and Rial Dawson, are entitled to all the rights and privileges of citizenship conferred upon the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. G. Duncan,	)	Thomas Tehee, President of Com.
Clerk of Commission.	)	Alex Wolf,
	)	T. P. Thompson, ) Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears on the record in my office.

January 11th, 1883.

D. W. G. Duncan,  
Clerk of Commission.

Executive Department,  
Tahlequah, Cherokee Nation.

January 11th, 1883

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. P. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,  
Asst. Ex. Secretary.

United States of America,  
Indian Territory,  
Northern District.

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. P. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. P. Thompson, L. T. M. - N. P. Oct. 4, 1900. \* The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900,

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,



D. V. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q Please state your name, age, residence and occupation?  
A My name is D. V. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
- Q How long has that been your place of residence? A Since 1874.
- Q Are you a member of the Cherokee Nation as it is now constituted?  
A Yes, sir.
- Q Upon what is your citizenship based, a Cherokee by blood?  
A Yes, a Cherokee by blood.
- Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?  
A About that time I held the position of Clerk of the Citizenship Court of Commission.
- Q If you remember the names of the members of that Commission or Court, please give them?  
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
- Q T. F. Thompson?  
A Yes.
- Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?  
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
- Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragdon, Clerk, and of John L. Adair Asst. Sec. Secretary, you recognize the paper as one you have ever seen before?  
A Yes, I think I have seen this before.
- Q When, and where, if you remember, did you first see that paper?  
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
- Q Looking at its date, was it drawn at you at the time it bears date?  
A To the best of my recollection it was drawn at the date specified.
- Q Do you recognize the signature to the certificate attached to that paper?  
A Yes, that is my signature.
- Q State if you know, in whose handwriting the body of the paper is?  
A It is in my handwriting.
- Q And at that time you were Clerk of that Commission? A Yes.
- Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?  
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
- Q Explain please, how you came to write the signatures of Thomas Tehee and Alex Wolfe to that paper?  
A Thomas Tehee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q That the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, when admitted?

A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehoo's and Wolf's names and T. P. Thompson to sign his own name.

Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call your attention to, was whether when applicants had been admitted to citizenship a paper of this kind was shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued? My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was sent upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in the paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?

A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.

Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehoo's name and see if it is not all your own handwriting?

A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q How was the evidence taken in these cases?

A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existence or not?

A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.

Q You say you never heard any talk about this being an improper case until very recently?

A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires 2/3/1902.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.  
Q How old are you? A Soon will be sixth years old.  
Q What is your postoffice address? A Afton now, it used to be Oseuma.  
Q What was the name of your wife? A My first wife was Julia Ann Howard.  
Q She was a white woman? A Yes, sir.  
Q When were you married to her? A I think it was the 8th of January, 1864.  
Q Where were you living at that time? A In Arkansas.  
Q Who married you? A A man by the name of Dave Sturdy.  
Q Was he a preacher? A Yes, sir.  
Q A Minister of the Gospel? A Yes, sir.  
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.  
Q Did you have any children by her? A Yes, sir.  
Q What are their names? A Willie R. Dawson.  
Q The next one? A Francis Marion Dawson Jr.  
Q The next one? A Johnnie.  
Q The next child? A Elisabeth.  
Q The next one? A Arizona Allred.  
Q These are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.  
Q How old are you? A I will be 51 the 13th day of June.  
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.  
Q How are you related to him? A Brother.  
Q Did you know his former wife, Julia? A Yes, sir.  
Q Is she living or dead? A She is dead.  
Q Was she a Cherokee or white woman? A I couldn't say what; she they married in the states.  
Q Do you know when he was married to her? A Yes, sir.  
Q When was it? A About the close of the war.  
Q Who married them? A Parson Sturdy.  
Q Were you present when they were married? A Yes, sir.  
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.  
Q How old are you? A 56 years old.  
Q What is your postoffice address? A Afton.  
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Bud Dawson.  
Q How long have you known him? A My first acquaintance with him was in '61.  
Q Did you know his first wife, Julia? A Yes, sir.

- Q Do you know whether or not they were married? A Yes, sir, they were married.
- Q Were you present at the marriage? A No, I wasn't present at the marriage.
- Q Did you see them soon after their marriage? A Yes, sir.
- Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.
- Q During the time you knew them did they live together as husband and wife? A Yes, sir.
- Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:  
Arizons Allred et al D-835, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

—o—

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

(Signed) E. G. Rothenberger.



#324.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANK'S M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the  
following proceedings were had:

APPEARANCES:

Mr. A. S. McKennon, of counsel for applicants;  
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case  
and announces that it is ready for trial, provided permission is  
given to hereafter examine before the Commission, either at this  
place or Fort Gibson, the witness S. H. Benge, who has been regularly  
summoned to attend at this day and time but who is too sick to  
travel at this time and probably will be for some time to come. As  
evidence of a good faith of the Nation we hereby present an affidavit  
of the facts sought to be proven by the said Benge. If the applicant's  
counsel are willing to concede that the witness if present would  
testify to the facts herein set forth, the Nation is ready to  
proceed to trial without reservation of any kind. If they are not  
it desires to reserve this privilege of hereafter, either tomorrow  
or otherwise, this case being set for to-day and tomorrow, of  
examining before the Commission, or its authorized officer, this  
witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the  
paper presented and do not admit that the witness, Samuel H. Benge  
if present would testify to the facts therein stated. They consent  
and desire that the testimony of said Benge be taken before the  
Commission at its office in Muskogee but not elsewhere, and protest  
against it being taken at any other place, with the understanding,  
however, that when taken we have opportunity to introduce any evidence  
we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing Counsel,  
their client and Commission officers in taking the deposition at  
Fort Gibson.

Commissioner Breekinridge: The allegations of this witness are  
material in their character and are quite tangent. The Commission  
of its own volition would acquire information of that character if  
it knew of its existence anywhere. While the functions of the  
Commission, as well known are in many respects judicial, yet it is  
bodied with somewhat complex powers, such as Congress creates from  
time to time to do business of certain character, and it is ordered  
to make a correct roll, which is a duty largely independent of  
hearing simply what is brought before them; it must be the architect  
and constructor of that roll and if evidence is not brought before  
before the Commission it must go out and get it, to be uniform on  
that construction of the law. The Commission, therefore, decides  
this information independent of any counsel on either side both with  
respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Fort Gibson and sit by his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease and he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson tomorrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 3:30 tomorrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

- Q What is your name? A Francis M. Dawson.
- Q Where do you reside? A In Afton.
- Q You have been examined in this case heretofore, have you?
- A I don't know which case it is.
- Q In your own case? A Yes, sir.
- Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
- Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.
- Q What was his name? A A. E. Dawson.
- Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
- Q And you were admitted about the 11th of January '83? A Yes, sir.
- Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
- Q Do you or not remember the evidence offered in theirs to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Territorial Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
- A That is afterwards?
- Q Yes, afterwards? A I think there was some other evidence introduced.
- Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.
- Q Who else? A Oliver Miller.
- Q Who was Oliver Miller the records in this case have been completely destroyed and mutilated? A Oliver Miller he lived in Arkansas.
- Q What was he, who was he? A He is no kin to me at all.
- Q Well, what station in life did he occupy; was he a farmer?
- A Yes, sir, farmer.
- Q Were you present when he testified? A Yes, sir.
- Q Were you present when Dr. Baker testified? A Yes, sir.

- Q Have you a fair recollection of the testimony of those two men?  
A No, not at all.
- Q You don't read do you, Mr. Dawson? A No, sir, I don't read nor write; I can barely write my name.
- Q Do you think you would remember the testimony of Mr. Baker if your mind was refreshed on it? A Part of it I think.
- Q Were you present when you were admitted? A I was not in the room.
- Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
- Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:  
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
- Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember at all.
- Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
- Q Now, you were a son of what Dawson? A Robert Dawson.
- Q How many children did Robert Dawson have, and give me their names?  
A Elbert Dawson, the oldest; Lila, Jasper, Francis Marion-
- Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
- Q Thirteen? (No response.)
- Q Now, Robert Dawson's father was whom? A Sam Dawson.
- Q Who was Sam Dawson's wife, your grandmother? A I have been told.
- Q By family history is all you know? A She was called Polly Dawson.
- Q Who was Anna Pruitt? A I don't know.
- Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
- Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
- Q Pollie Dawson? A Yes, sir.
- Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
- Q Daughter of Captain John Rogers? A Yes, sir.
- Q Now, she died in Texas what time? A I don't remember.
- Q Can't you guess at it? A Oh, I could guess.
- Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
- Q How old a boy were you then? A I was born in '42.
- Q Have you any distinct recollection of her? A No, sir.
- Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
- Q Do you know by family history the names of all of them? A Yes, sir.
- Q Will you give them to me?  
A Betsey Ann Dawson, I believe her name was.
- Q Did she marry a Patten? A Yes, sir; the next is Robert Dawson.
- Q Your father? A Yes, sir.
- Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
- Q Did he have two daughters? A Yes, sir.
- Q Well sir? A The next one was Joe Dawson; I never saw him; Riley Dawson.

- Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.  
Q Any other one? A That is all I know anything about.  
Q Did he have any child by the name of John? A Yes, Jack.  
Q Didn't you get Jack misplaced with Joe? A No, it was Joe; I have heard my father speak of him.  
Q Then they have seven children? A I never see them all.  
Q How many of them did you ever see? A I see uncle Riley Dawson and James Dawson and Jack Dawson and Betsy Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.  
Q Do you know what your family history says that the mother of your grand mother, Pollie Rogers' name was? A We have no history.  
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.  
Q What is that other man, Oliver Miller that testified in your case? A He testified in James Dawson's case; he never testified in my father's case.  
Q Well, didn't anybody testify in your case but Dr. Baker?  
A Yes, sir, several other witnesses.  
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.  
Q Were you present? A No, sir.  
Q You were only present when Dr. Baker testified? A Yes, sir.  
Q Now, do you find any mistakes in Dr. Baker's statement there?  
A I could not say all of them was correct or not, part of it is correct.  
Q That part is correct? A Yes about knowing the family over there.  
Q Who is Buck Dawson? A My brother.  
Q What is his name? A He always called him Buck, it is Elbert, E. Dawson.  
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.  
Q The first time? A I got my brother in Texas.  
Q Which one? A E. Dawson.  
Q That is Elbert or Buck? A Yes, sir.  
Q You were living in Arkansas? A Yes, sir.  
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.  
Q Dr. Dawson now? A Yes, sir.  
Q What is his name? A James.  
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of his witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HITCHCOCK:

- Q State your name? A C. H. Taylor.
- Q Where do you reside, Mr. Taylor? A In near Coffeyville.
- Q Were you an attorney before various citizenship Courts along in '01 to '07 in the Cherokee Nation at Tahlequah? A Yes, sir.
- Q Were you attorney for F. H. Dawson commonly known as Bud Dawson?
- A Yes, sir.
- Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
- Q Do you know who composed the court that decided the case at that time? A Yes, sir.
- Q Who were they? A Tom Tehee and Alex Wolfe and Tolly Thompson.
- Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
- Q Which two? A Tehee and Wolfe.
- Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
- Q Do you know what witnesses were used in the case of Bud Dawson?
- A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
- Q When were you made attorney? A I was only called in as an attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
- Q Did you read the evidence in this case? A No, sir.
- Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
- Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.

Commission: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.

Q Mr. Taylor, do you object to answering that question? A Yes, sir.

Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.

Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the Commission desires and the Government

needs for the making of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not of this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.



Under Section 31 of the Circuit law as it is commonly called Act of June 231898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege—according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.

Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.

Q Now, I require that you answer that question, do you refuse? A Yes, sir.

Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKernon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetency and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:

Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKernon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:00 P. M. to-morrow or afternoon, March 13, 1902.)

Supl.-C. D. #324.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS H. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:

Mr. A. S. McKennon, of Counsel for applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows  
on part of the Cherokee Nation:

W. T. HUTCHINGS:

Q State your name? A Samuel H. Bengé.

Q Where do you reside? A Fort Gibson.

Q How old are you? A I am 70 years old, going in 71.

Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee  
by blood.

Q State what official position you have held in the Cherokee Nation  
and what your general connection with the Nation officially in the  
last 40 years? A Well, I had several; I have been Sheriff,  
Councilman, Senator, Delegate to Washington; had a hand in making  
the treaty of 1868, I am the only one living that signed that treaty;  
President of the National Council of different tribes of Indians.

Q Were you acquainted with F. H. Dawson, commonly called Bud  
Dawson? A Yes, sir; I know him.

Q State your connection with and what you know about his citizenship  
case before what is known as the Thomas Tohee Citizenship Court?

A Mr. Dawson come down, I was living down below here, he come and  
employed me to tend to his case and we went to Tahlequah, I believe  
if I ain't mistaken in 1881 and filed his case there; we went  
several times and continued his case on for the want of evidence,  
and finally while we was up there we run across one old darkey by  
the name of Tosh Rogers; we got his testimony and after we got  
that testimony we concluded that it was sufficient to go into the  
trial with. Tosh lived here at Fort Gibson, he was a horse trainer  
down here and stayed here; he claimed that he knew the Rogers and  
belonged to one of them and after that we thought we had sufficient  
evidence we submitted our case to the Court for trial, and the Court  
went to work and rendered a decision against Mr. Dawson.

I told Mr. Dawson right there that "our case is dough", just made  
that remark, and he just made the remark "never mind", and next  
morning they taken up his case again and they rendered a decision in  
his favor. I filed no motion nor any evidence at all whatever; I  
give the case up right there and the decision was then given in his  
favor, and on our way back from Tahlequah, why we got to talking  
about the case and I told him: "it was a pretty hard blow when they  
rendered that decision against us." He said: "yes, but Duncan was  
the man to reach", but he reached him with five hundred dollars.

Q What position did Duncan occupy? A He was Clerk of the Court.

Q How long an educated man or-? Yes, sir; he was an educated man.

Q Who were the members of the Court? A Tom Tohee, Alex Wolfe and  
Tom Thorpe.

Q How many of these could speak English at all? A One.

Q Which one? A Thorpe.

Q Who was the Attorney that represented the Nation in these cases?

A Why Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?  
A Wilson Sanders.

Q Was he an educated man, or could speak English well? A No, sir.

Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.

Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventually and I told him I didn't know.

MR. MCKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of these investigations that have been made since that time? A I don't know that you might call it a witness; that young man come to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the committee. I was not a witness but the point I don't for him.

Q That was Mr. Graham, wasn't it? A Yes, sir.

Q Have you had conversations with Mr. Graham since that time about it? A No, I might, I don't recollect, I might have had conversations with him.

Q Well, after the Daves Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?  
A No, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.

Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said; that is as I have stated he talked to me in regard to his father, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.

Q Where? A It has been sometime ago.

Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.

Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?

A No, sir; he was basing his claim on the Dawson case, that is the way he-

Q What is the principal Dawson family? A Yes.

Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)

A Yesterday I reckon.

Q Who came to take this? A Mr. Starr.

Q Who else was present when this was taken? A No, sir.

Q Or had you told about this matter, Judge? A No one as I know of.

Q Do you know how it was that they knew that you knew this?

A No, sir.

Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Soales, he and him

talked about these cases a good many times; if I ever made a statement it was to Joe Ab Soales.

Q How did Mr. Starr know? A I could not tell you how Mr. Starr

he.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said "what case," and he went to work and named Shoemaker case and Dawson case.

Q And thereupon you made this statement? A He said he wanted to justify me.

Q Are you certain Judge that after the rendition of the judgment Mr. Dawson came back here to Fort Gibson with you?

A Yes, sir; we was together.

Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.

Q And returned here together? A Yes, sir.

Q Did he not leave you there and go back direct to Arkansas?

A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.

Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.

Q How did they pay you? A Paid me the money.

Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.

Q Mr. Graham? A Yes.

Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.

Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.

Q Where did he pay you the money? A Paid it here at home.

Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundred dollars.

Q You were acting as his attorney in the case? A Yes, sir.

Q How many judges were there present when the judgment was rendered? A In his case?

Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tolson and Wolfe.

Q Don't you remember that they were all present? A No, I think they were present though.

Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.

Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.

Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.

Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.

Q How long did you remain out at Tahlequah on that trip?

A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.

Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present)

A I don't know whether the judges received nay or not.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rossen.

March 13, 1902. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.

Mr. F. T. Hutchings, of Counsel for Cherokee Nation.

G. H. TAYLOR takes the stand and continues his testimony.  
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.

Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.

Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.

Q Did you see him again that night? A Yes, sir; after supper I went down to his room.

Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.

Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.

Q You carried Dawson to him? A Yes, sir.



- Q Did you remain during the conversation? A Only a minute.
- Q What was said if naything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
- Q Go ahead and state what else he said? A He said "if that was frightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
- Q Did you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together yourself? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
- Q The next morning? A Yes, sir.
- Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q Was it called up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
- Q Could they speak english at all? A Tehes could talk a little, talk some.
- Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted th attorneys would go out. The Parties would go out and they would determine the case.
- Q Well, did they go out i. to that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
- Q And was the decision rendered that morning in their favor? A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
- Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
- Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundrd dollars more.
- Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it.
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Just submitted it on the testimony? A Yes, sir.
- MR. McKEITHEN:**
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

- Q When did you come to the Cherokee Nation? A Come here in 1885.
- Q How long have you been practicing law in the Cherokee Nation?
- A I think since '68.
- Q You have done a great deal of citizenship business haven't you?
- A Yes, sir.
- Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
- Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
- Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
- Q When was that? A I don't remember how long ago it has been.
- Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
- Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the rail for fraudulent purposes.
- Q Sending out propositions and obtaining case for citizenship for people of the Cherokee Nation? A No, sir, it was for answering correspondence.
- Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
- Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the rail for fraudulent purposes.
- Q The use of the rails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
- Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
- Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
- Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
- Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
- Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
- Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he questioned me and I come down here and I didn't want to make a statement to him but he insisted.
- Q He had no power to compel you to make a statement? A No, sir.
- Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I should be put in jail here if I didn't.
- Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?

A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.

Q You thought you would not be compelled to answer?

A I didn't think the law would compel me to make a statement.

Q Now when did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.

Q When the enrollment division of the Dawes Commission was in Pallequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemaker both.

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.

Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.

Q If he would put up you would not testify? A That they could not force me to testify.

Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Sid Graham: "you people are on the doubtful list and if you will give me \$500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on?" A No, sir; I got a letter from Sid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.

Q You did not say to him then what I have embraced in that question here? A No, sir.

Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.

Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you send for him to come to the hotel? A In answer to his letter.

Q Did you not a yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? A No, sir; I says to Mr. Shoemaker, I says: "who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came on fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I want if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I would not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean?

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you know that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says "make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it won't make any difference or so something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used?

A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employe me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

- Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.
- Q Now, then, you say that you were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
- Q You were present in Tahlequah? A Yes, sir.
- Q How long had you been at Tahlequah? A I was living there at that time.
- Q When were you first employed by them? A By Dawsons?
- Q Yes, sir. A The evening before the case was tried.
- Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.
- Q And told you to hand to Duncan? A No, sir.
- Q What was your statement? A That he paid me \$20 and says "I will send you some more in a short time, week or so."
- Q And then he sent you \$100? A Yes, sir.
- Q And wrote you to give D. W. C. Duncan \$50 of it? A Yes, sir.
- Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.
- Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.
- Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being \$50 or \$100--I went to Stapler's and got him to cash the check and give him his part of it.
- Q How much did they pay you for your services? A That is all I got.
- Q How much? A I think it was \$100, \$120.
- Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
- Q Submitted it without remarks? A Yes, sir.
- Q And for that you say they paid you \$120? A Yes, sir; \$120.
- Q Was Houston Benge present when that was one? A No, sir; I don't think he was.
- Q Did you see him then at that time in Tahlequah? A I don't remember.
- Q Were you associated with him in any manner in connection with the case? A No, sir.
- Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
- Q Were you paid like fees in other cases for like services? A Yes, sir.
- Q In many of them? A Yes, sir, good many.
- Q All like cases? A Oh, citizenship cases.
- Q Then was it you were in jail at Fort Smith? A I don't remember; Mr. Hallette can remember, he was there, he was my attorney.
- Q Was it about 1883? A It was somewhere along there, along in 1880 somewhere.
- Q That has been your principal business as a lawyer, has it not? A Yes, sir.
- Q You have never practiced much in any other way have you? A Very little.
- Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.



Q This was an exception was it? A I never worked this case through. I simply called the case in by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$50 a family for doing that? A Yes, sir.

Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case?

A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Afton.

Q How old are you? A 73 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of P. H. Dawson and the other Dawson? A I knew old man James Dawson.

Q That is the one I mean, old man James Dawson? A Yes, sir; I knew him.

Q How long have you known him? A Well, some four or five years.

I fear.

Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 30 odd years.

Q Well, when did he come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.

Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. MCKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 56.

Q Were you ever an applicant for citizenship before the Tennesse citizenship Court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Buck Dawson?

A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, ran by the name of Sharbow.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

A Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?

A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witnesses I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.

Q Well, what did he say about the doctor's knowing anything?

A Well, he said he was 85 or 90 years old and didn't know straight up.

Q Well, did he say anything about giving him whiskey?

A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.

Q What he say anything about how money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money would make the stars go down in Texas and he said "I come to get the far of the land" and he says "I found out it goes here," or words to that effect.

Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.

Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.

Q Well, where did he go after there? A He and I left there together; he rode to Muskogee by way of Fort Gibson and there we parted.

Q Did you ever see him after that? A I saw him about two years or something like that afterwards.

Q Where? A Vinita.

Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.

Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

J. R. McKENNON:

Q Your first conversation with him was in '81 was it? A Yes, sir.

Q What time in '81? A September.

Q You were then an applicant for citizenship? A Yes, sir.

Q Were you admitted? A No, sir.

Q You are still an applicant? A No, sir.

Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.

Q What business are you in now? A I am running a dairy in Vinita.

Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.

Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.

Q You don't know how they found that out? A No, sir.

Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.

Q Now, did you approach him or did he approach you? A He approached me.

Q You know why? A No, sir; I suppose somebody I have told someone at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.

Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know what fit up; and he could give him three or four drinks of Arkansas whiskey and he would not know black or white.

Q Now, he said that did not? A Yes, sir.

Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.

Q You say you next saw Dawson at Vinita? A Yes, sir.

Q How long afterwards was that? A About two years, I think something near that.

Q Did he ride to the Territory? A Yes, sir; he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.  
Q Do you run a dairy wagon there? A No, sir.  
Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.  
Q Generally? No, sir.  
Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. HUTCHINGS:

Q State your name? A C. G. Braught.  
Q What is your age? A 62 29th day of last January.  
Q What is your post office? A Fairland.  
Q How long have you been living in the neighborhood of Fairland? A Been living there 19 years.  
Q Do you know one Bud Dawson or P. H. Dawson as his name is? A I do.  
Q How long have you known him? A About 18 years.  
Q How close do you live from him? A Half a mile of him.  
Q Does he still own that place? A I think he does.  
Q Were you an applicant for citizenship along about '81 or '82 at Tahlequah? A Yes, sir.  
Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.  
Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.  
Q Did he state the name of that witness? A No, he did not.  
Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.  
Q Do you know what time of the year that was, whether it was in the summer or not? A I think it was in June.  
Q Did he make any other statements to you at any other time? A No, sir, I don't think he has in regards to that matter.  
Q You have been living neighbors with him? A Yes, sir.

MR. McKENNON:  
Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.  
Q You were an applicant; were you admitted? A No, sir.  
Q Have you been admitted? A No, sir.  
Q You are still an applicant? A Yes, sir.  
Q Still trying to get in? A Yes, sir.  
Q Where was this conversation had? A Had at Bud Dawson's house.  
Q What part of the premises? That is, in his residence?  
A Yes, sir.  
Q In the house? A Yes, sir.  
Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.  
Q Was there more than one room? A I wasn't be positive but I don't think there was but one room, log house.  
Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.

Q He and you are enemies are you not? A No, I don't think we are enemies.

Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.

Q Haven't you had considerable trouble about the lands between your father? A No, sir; we ain't had any trouble.

Q Didn't you have his little boy arrested recently for a difficulty?

A Yes, sir.

Q And you say that you are not on bad terms with him?

A Why we speak, have conversation, have right right along all the time.

Q Is it not a fact now that you and he have been all the while at odds? A No, sir.

Q You don't have any unkind feeling towards him? A No, sir.

Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.

Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of Counsel for Applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. MCKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.

(Witness Excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.

Q What is your post office? A Burton now.

Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.

Q Recognized to such are you? A Yes, sir.

Q How old are you? A There is no family record, my parents died when I was young. I just guess at my age, I am somewhere between 44 and 45 years old.

Q Were you personally acquainted with one Albert or Buck Dawson?

A I never saw Dawson until I saw him.

Q Did you meet him in the State of Texas, if so state what time?

A I never saw Dawson, knew him and saw him at different dates in Texas.

Q Now, in the year '81 in this country, Texas, did you ever see him?

A Yes, in '82 or '83, I think I knew him in both years.

Q In the year '82 did you have any conversation with him in the presence of

any other person, if so state what time and place?

A Yes, I saw him in the presence of other persons in the Cherokee Nation.

Q Now, would you be sworn to give your name there here or at any other place?



it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be purchasing cattle, I would have stock eating my grass."

Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.

Q How was that? A Buck Dawson.

Q Well, did anybody suggest about his going to the Cherokee Nation?

A Yes, sir. I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."

Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow purchasers, and Mr. Phillip says "Hell, I am going; brother John is getting ready to go now."

Q Well, then what did he say to you? A He says "who are your best lawyers up there, Kenney," and I told him "Hookey Bell was counted the brainiest man in our country."

Q Well, do you know whether he claimed to have any Indian blood or whether he was claiming in that country, whether white ran or Indian? A No, sir, I could not say what he was; he was generally known up there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKemmon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKemmon:

Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Just County, Texas. B. F. Alberty was my guardian.

Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.

Q About what time? A It was sometime in '80 though.

Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.

Q When? A I think it was in '87 or '88.

Q Haven't you been arrested for crime and charged with crime?

A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.

Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.

MR. HASTINGS, of Counsel for Cherokee Nation:

Q Were you ever convicted? A No, sir.

Mr. McKemmon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BAREART, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name, please? A Thomas B. Bareart.

Q What is your post office? A Melvin.

Q What is your age? A 49.

Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.

Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.

Q Did you know Aaron Butler? A Yes, sir.

Q Who was he? A He was a Cherokee Interpreter for the Court.

Q Do you know James Smith? A Yes, sir.

Q Who was he? A He was the Nation's attorney before the Court.

Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.

Q State the full particulars of it? A About that time this man Dawson and Butler came to me while they were all together, all three of them, and Butler came and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.

Q Well, did he say anything about whether he could get his case submitted if he had more money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.

Q Well, did you let him have the ten dollars? A Yes, sir.

Q Where did they go then? A They walked off up towards town.

Q Did they go together, those three? A Yes, sir.

MI. McKENDON:

Q Was that James Dawson, the leading applicant in that case?

A Yes, best of my recollection that was.

Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.

Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.

Q Is he living or dead? A I don't know.

Q Where have you been living? A I have been living down here near Tahlequah.

Q What was the man's name, Dawson's name? A Jim Dawson I think.

Q You are certain of that? A Yes, sir; I am pretty certain.

Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.

Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.

Q When did you first make a statement of this matter to anybody?

A I guess—I don't remember when.

Q How long have you been in Muskogee this time?

A I have been here since, I was summoned here last Friday.

Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.

Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.

Q Were you born a citizen? A Yes, sir.

Q You weren't admitted to citizenship by the courts or Council?

A No, sir.

Q You have been living in the Cherokee Nation all your life?

A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q What was your full maiden name? A Della A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in y yo n; days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what?

A None but the Cherokees, the full-bloods called him Joe Aney.

Q What does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know;

he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.

Q The Dawson case was talked of here for many years, they claiming kin?

A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a sister or half sister by the name of Annie, Anna or Aisey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

- Q What relationship are you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
- Q Who was your father? A Samuel Riley Dawson.
- Q What did you say your father's name was? A Mile Dawson.
- Q Do you know what his full name was? A Samuel Riley Dawson.
- Q What children had your father? A Why, he had got, you mean his first children or his whole family?
- Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
- Q Just one or two of them I care for; is Mrs. Lewis your sister?
- A Yes, sir.
- Q Your full sister? A Yes, sir.
- Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
- Q How was she the parents of your father, Samuel Dawson?
- A Why Sam Dawson was his father.
- Q Sam Dawson was his father? A Yes, sir.
- Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
- Q What was her given name? A Annie.
- Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
- Q Saw him? A Yes, sir.
- Q Do you know about how old he was when he died? A He was somewhere up about 90.
- Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
- Q Was your father his youngest child? A Yes, sir.
- Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
- Q He died in about '90 and was about 67 years old when he died?
- A Yes, sir.
- Q And he was the youngest child? A Yes, sir.
- Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.
- Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
- A Well, I heard my father speak about it, I don't know that I ever heard my grandfather say anything about it.
- Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
- Q Did you father come here and apply once for citizenship?
- A Yes, sir.
- Q Was he admitted? A I think not.
- Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
- Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKennon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by stenographer M. D. Green)

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 his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno, J. O. Rosson.)

March 19th, 1907, at Muskogee, I. T.

Appearances:

Mr. A. S. McKennon and Mr. Bellette, attorneys for the applicants.

Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A Emma Brashiers.
- Q What was your maiden name? A Emma Dawson.
- Q What was your father's name? A Samuel Riley Dawson.
- Q What was his father's name? A Samuel.
- Q What was your grandfather's name? So far as you know from family history? A Her maiden name was Annie Pruett.
- Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
- Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
- Q And had a sister named Mrs. Petty? A Yes, sir.
- Q And another one named Mrs. McGee? A Yes, sir.
- Q And another brother named John? A Yes, sir.
- Q What relation are you to Mrs. A. S. Lewis? A Sister.
- Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
- Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
- Q About how old were you you suppose when your grandfather died?
- A About 6.
- Q Was your father's birth recorded in the family Bible? A Yes, sir.
- Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
- Q What became of it? A Got burned.
- Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
- Q In 1823? A Yes, sir.
- Q And how old was he when he died, if you recollect? A He was between 64 and '7.
- Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians?
- A Yes, sir, they were white people.



Q. You know whether in the family you granddaddy was spoken of by the name of Annie, always? A. Yes, sir.

BY MR. HOKUMPHON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHESS:

Q. State your name? A. Alex S. Lewis.

Q. What is your post-office? A. Dawson, Indian Territory.

Q. How old are you? A. 59 years.

Q. What was your wife's maiden name? A. Elizabeth Paralee Dawson.

Q. What was your wife's father and mother? A. Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?

Q. Well, if you know the maiden name of your wife's mother, state how you know it? A. Well she was called Margaret, Margaret Queen was her maiden name.

Q. The maiden name now of your wife's father's mother? A. Why the maiden name of my wife's father's mother?

Q. Yes, sir? A. From what her husband and my father-in-law told me it was Annie Pruett.

Q. What was the name of your wife's father's father? A. My wife's grandfather on her father's side, Samuel Dawson.

Q. And his wife's maiden name was Annie Pruett? A. Yes, sir.

Q. Did you know the old gentleman, Samuel Dawson, your wife's grandfather? A. Yes, sir.

Q. Personally? A. Yes, sir.

Q. What opportunities had you to get acquainted with him? A. He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and he visited very often.

Q. When did he die? A. '74.

Q. Have you any particular method of recalling that date? A. Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.

Q. And when was your first child born? A. He was born December, '73.

Q. You know how old your wife's father was when he died? A. Why he was up in 60, but I don't remember his age.

Q. Did the old original Samuel Dawson ever tell you his age? A. Yes, sir, several times.

Q. How old was he at the time of his death? A. He was past 64.

Q. Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A. Told me she only had one brother named Bob Pruett.

Q. Have any of the members of the family named their children after him? A. Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.

Q. Now, what is his name? A. Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understood it was on account of his grandfather thinking, so much of Robert Pruett.

Q. Did you ever hear the old Samuel Dawson speak of his brother-in-law? A. Yes, sir; I have heard him say that he visited he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.

Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?

Q Yes, sir? A John James, and Samuel B. Those were the only ones of his children that I remember personally.

Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.

Q And John Dawson was the oldest boy? A Yes, sir.

Q And Samuel B. Dawson was the youngest boy? A Yes, sir.

Q You know something about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.

Q What was that? A They said he was born in 1811.

Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.

Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.

Q That blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.

Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.

Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.

Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. MCKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.

Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say

as to the date.

Q Before the Cherokee authorities? A Yes, sir.

Q Did he file an application before the Dawes Commission in 1896 also? A No.

Q Yes, sir? A I don't think he did, no sir.

Q Did you? A I did.

Q On account of your wife? A Yes, sir.

Q Did you make affidavit to that application? A No, sir.

Q Who did? A I don't know, don't remember now.

Q You applied for your wife as an Indian by blood did you not?

A Yes, sir.

Q Are you still an applicant? A No, sir.

Q Is she? A No, sir.

Q She was denied was she? A Yes, sir.

Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they reject the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.  
Q What? A Charge of murder.  
Q Anything else? A No, sir.  
Q Committed on the train? A Yes, sir.  
Q In a train robbery? A Yes, sir, in a train robbery.  
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.  
Q That all the crime you were ever charged with? A Yes, sir.  
Q Haven't you been having some trouble with the Dawson family?  
A Well personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.  
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, anyhow, don't speak, and I don't think his wife speaks to me either.  
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A B. W. Alberty.  
Q What is your post-office? A Tahlequah.  
Q What is your present official position in the Cherokee Nation?  
A Assistant Executive Secretary of the Cherokee Nation.  
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.  
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.  
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)  
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Albert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation: the envelope and its contents.

BY MR. MCKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No. 108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Rial Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1893, D. W. C. Duncan, Clerk."  
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19th, 1893.

No. 103 Robert Dawson, "et al."  
vs.  
Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker was testified as follows. His name is Arthur Baker I reside at Morrillville, Arkansas, Carroll County, my age is 77 years, I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 35 years at my mother's house near Morrillville I became acquainted with the claimants Bobb Dawson's grand father on mother's side, she was frequently at my mother's house; though she Anna Pruet lived in the Nation side. She claimed to be a half sister to Big Joe Varn, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, when I was a little boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and where at Lewis Rogers Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old hat etc, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were to be married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiwassee River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawson's children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?

Ans. 1 Five, I think that's all.

Ques. 2 Did you say anything about someone being married twice?

Ans. 2 The claimant was married twice.

Ques. 3 Could Anna Pruet speak Cherokee?

Ans. 3 Yes she could speak it well.

Ques. 4 Did Polly Rogers speak Cherokee?

Ans. 4 She could when she was young.

Ques. 5 How far did you live from Anna Pruet?

Ans. 5 Just across the river about 3/4 of a mile.

Ques. 6 Was Calhoun in the Cherokee Nation?

Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?  
Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.  
Ques. 8 Did the claimant go to Texas?  
Ans. 8 No the claimant didn't go to Texas.  
Ques. 9 What connection was claimant and Polly Rogers?  
Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.  
Ques. 10 Where does claimant now live?  
Ans. 10 He lives in Carroll County, Arkansas.  
Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Cooweescoowee?  
Ans. 11 They claimed kin but what kin I don't know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.  
Ques. 12 Was Anna Prout the maiden name of claimant's grandmother?  
Ans. 12 Yes that was her maiden name the Indians called her since.  
his  
(signed) Arthur. A. X Baker.  
Mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is endorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tenth Court in 1885. A. Riley Dawson's step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: To admit to introduce envelope N. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.  
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:

"No. 181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept. 13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.  
Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,  
No. 181. vs for his grand children,-  
Lulu Dauthett,  
Dallas Dauthett,

F. M. Dawson for Claimant introduced sworn and in open court testified as follows:

My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.



I saw the claimants, Lulu Dauthett and Dallas Dauthett in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by Wood. L. H. Dauthett, the father of the claimants, Lulu and Dallas is a white man Dauthett's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old - - She has been dead about 4 years as well as I can recollect, She was about 17 years old when she was married.

(signed) F. H. Dawson,  
Mark

Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, Sept. 14, 1903.  
No. 181 E. Dawson  
for his grand children  
Lulu Dauthett  
Dallas Dauthett

Joseph Dawson introduced for claimants, sworn in open Court testified as follows:

Jos. Dawson, an Cherokee live in the Cherokee Nation, 31 years old.

Lulu Dauthett and Dallas Dauthett, the claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lulu, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognized them as his grandchildren and I have known them ever since they were born.  
By Solicitor:

Lulu is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Fanie, Bob, Smith, Fern, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there, I am a brother to F. H. Dawson, we are full brothers. My father has been admitted to Cherokee citizenship by this Court.

(signed) Joseph Dawson,  
Mark

To the Commission on Citizenship,  
Tahlequah, C. N. Sept. 12, 1903.  
E. Dawson for grandchildren,  
Lulu Dauthett,  
Dallas Dauthett,  
vs  
Cherokee Nation,

Now seeks E. Dawson petitioner; for the Cherokee rights of his grandchildren, Lulu Dauthett, & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokee by admission of your Hon. Court, at its last session in January, 1835, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(Signed) E. Dawson for grand children,  
By C. H. Taylor,

This last document is indorsed on back as follows:  
"No. 181, Petition of Lula, Douthett & Dallas Douthett, for Citizenship Filed Sept 14, 1833, D. F. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. E. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1839.

BY MR. MCKENNON: To the introduction of which the applicants object, because it is wholly incompetent, extraneous and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,  
Table No. C. N. August 11th, 1837.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. E. Dawson,	66		Cherokee,	
	2 Parlee Dawson,	44	female		
507	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. G. Dawson,	31	male		Bell &
	6 Elias F. Dawson,	29	"	Applicant for)	Bryant.
	7 Toliver Dawson,	27	"	Cherokee Nation.	
	8 Ella Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	Male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7	"	Ancestor	
	13 Cleveland Dawson,	5	"	John Rogers	
	— filed August 11th, 1837."				

In red ink written along Age column is the following: "Rejected April 26, 1839."

"Now this day comes the above case for final hearing, Samuel E. Dawson, bases his application for revindication to citizenship in the Cherokee nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Gilesey Pruitt, and so he is the sister of Joseph Vann, on which stand as high and the wife of Cherokee blood. It is admitted that John Rogers and Gilesey Pruitt died before the rail upon which their names would appear if living at the time and specified in the 7th section of the Act of December 3th, 1833, creating the Commission on Citizenship, were made but in support of the a claimant it is urged that certain members of the Dawson family had been declared as the 37th Act were recognized to citizenship by the Commission on Citizenship on July 26th 1839."

"The Tehee Court", and the "Sears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of the Commission of the testimony now introduced to authorize the admission of the present applicant is not relevant to the issue now pending. The 7th section of the Act of December 8th, 1898, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States." As are hereafter enumerated. Nothing the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Journah Barber nee Journah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Egan,  
Chairman.

This April 26th, 1899.

(signed) R. Munch, Commissioner,  
John E. Gunter, Com'nr.

(signed) D. L. Williams,  
Clk Com'n."

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book 6., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1899; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1833, Ancestor, Riley Dawson, filed the 3 day of Oct. 1837, Docket 289, Book 6 Page 110, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1899 Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al., } Office Com. On Citizenship,  
                                  } Tallahassee, I. T. Sept. 27th, 1898.  
Cherokee Nation, (vs)

E. Dawson, was being duly sworn, upon his oath, to answer and say as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coover-Edowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me. - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Cornell Rogers,  
Clk. Com. on Citizenship.

This document is indorsed on back as follows:

"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

\*James K. P. Dawson,  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1887.

Docket No.	Name	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

909

C. H. Taylor.

vs.

Applicant for  
Cherokee Citizenship,  
Census Rolls 1835  
Ancestor,  
Riley Dawson.

Cherokee Nation.

In red ink along age column are the words: "Rejected April 26, 1889."

\*Adverse to Claimant.

See decision in this case in title of S. R.

Dawson in Book (3) Page 20.

This April 26, 1889.

D. L. Williams,

Clk. Com.

Vill P. Ross,

Chairman

J. E. Carter, Com.

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. MCKENNON: To all of which the applicant's object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Roll of 18-- Ancestor Nation, Filed the 5 day of Oct 1837, Docket 1017 Book C Page 144, Testimony on Journal- Page -- Decision of Commission, Rejected 28 Day of August 1889. Submitted by Mr. Rasmus, Aug. 23, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, and respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokee s by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this a plication for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmet, Chic. Wa. family with their relationship attached is as follows:

No	Name	Sex	Age	Relationship.

In witness o which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Boudinot & Rasmus,  
Attorneys."

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind, Ter.  
Talgah, August 28th, 1889.

Rebecca Dawson)

v. s.

Cherokee Nation.) The above case was called and submitted by



Reasons without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and is not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas - - I. T.

(signed) WILL P. ROSS,  
Chairman,  
J. E. Gunter, Com.

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5th, 1897.

Docket No	Name	Age	Sex	Post Office	Attorney.
1	Rebecca Dawson	48	female	Emmet,	I. T.

1017

Boudicot & R.  
Applicant for  
Cherokee citizenship.

Census Rolls, 1835,  
to 1852.  
Ancestor,  
Moton.

V. S.  
Cherokee Nation.

Office Commission Citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug. 23th, 1899.

The above case was called and submitted by Attorney Reason without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to citizenship in the Cherokee Nation.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. E. Gunter, Com.

BY MR. HUTCHINGS: The Nation next introduces the original envelope and contents in the case 193, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145, - said judgment being rendered August 23th, 1899.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is introduced on back as follows:

"193, 2, Name, Mary Dawson, APPLICANT FOR CITIZENSHIP. Address, Bowie, Texas, aged 54, years, 1835 to 1852 Roll of M. Spector, Moton, filed the - - of - - Docket 193, Book C Page 145, Testimony of - - Page - - Decision of Commission Rejected 23th day of August 1899. submitted by Mr. Ross, Aug. 23, 1899."

**"APPLICATION FOR CITIZENSHIP".**

TO THE HONORABLE COMMISSION ON CITIZENSHIP:  
 Gentlemen:- The undersigned, your petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1836, creating your Commission; and respectfully makes the following statement of the grounds of this his application, to-wit:  
 That Mary Dawson is the Grand Daughter of one Noton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	13	Son.

In witness of which application I herewith set my hand on this the 4 day of October 1867.

Mary Dawson,

Bordinet & Rogers,  
 Attorneys."

COMMISSION CITIZENSHIP,  
 Cherokee Nation, Ind. Ter.,  
 Tahlequah, August 23th, 1869.

Mary Dawson, )  
 vs ) Application for Cherokee  
 The Cherokee Nation ) citizenship.

The above named case having been submitted by W. F. Rogers, Attorney for claimant, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 13 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Wm P. Ross,  
 Chairman,  
 J. B. Ginter, Secy."

Said envelope also contains the following:

**APPLICATION FOR CITIZENSHIP**  
 TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1836, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That Mary Dawson is the Grand Daughter of one Noton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1835, -48 - 51 - 52. The undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee citizenship, and respectfully awaits the time when his Application shall be truly heard and tried



BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, -- 1835, Roll of 1835, Ancestor, -- Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal -- Page, Decision of Commission, REjected, 26 day of April, 1889. REjected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,

January 27, 1887.

	Age		
Andrew J. Dawson,	44 years	Male	
E. F. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessie K. Dawson,	9	"	"
Gleennie D. Dawson,	8	"	female.

V.S.

Cherokee Nation.

I know of Andrew J. Dawson, and five children claiming his right to Cherokee citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to citizenship by the Territorial Court on Citizenship, which is a matter of record, we submit that as proof of the justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed) Nevada, Mo.

A. J. Dawson &  
five children,  
by C. H. Taylor,  
Attorney."

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,  
Office Commission Citizenship,  
Tahlequah, C. H., Feby 11, 1887.

Docket No	Name	Age	Sex	
Family				
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
2	E. E. Dawson,	16	"	"
37	Olive M. Dawson,	14	female	
4	William H. Dawson,	11	male	Applicants for
5	Jessie K. Dawson,	9	"	Cherokee citizenship,
6	Gleennie D. Dawson,	8	female	C. H. Taylor.

Roll of 1835.  
Rejected April 26, 1889, (see ind.)

V.S.  
Cherokee Nation.

Filed May 11, 1897.

Ancestors,

Adversae.

See decision in this case in that of L. R. Dawson,  
Book P.20.  
rendered April 26- 1889.

D. S. Williams,  
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records  
in the case of the same Andrew J. Dawson, before the  
Commission to the Five Civilized Tribes, filed September 7th,  
1896, and the judgment of the Commission thereon. Number of  
said case being 4,694. And the judgment of said case on Page  
294, Book B., Dawes Commission Record, 1896. Judgment was  
rendered November 17th, 1896, denying the application.

BY MR. MCKENNON: To all of which the applicants object, because  
the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before  
Dawes Commission, 1896, in Andrew J. Dawson, et al., are as  
follows:

Registry Receipt,  
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter.,  
Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed  
to S. H. Hayes, Tahlequah, I. T., (signed) D. A. Frayser,  
L.-P. M.

"Commission to the Five Civilized Tribes,  
Vinita, Ind. Ter., Sept. 7, 1896.  
See that you swear to your petition.

Evidence of service of copies of Chief or Governor  
may be secured as follows: If convenient get his receipt to  
file with your papers. If you cannot do this, register to him,  
and have some interested person to take an affidavit in form  
about as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day  
of September, 1896, I saw a package registered at the Post  
office at Vinita, Indian Territory, addressed to Hon. S. H.  
Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that  
registry receipt no. 409, received from postmaster, hereto  
attached, is a receipt for said package, which contained true  
copies of the application of Andrew J. Dawson, and of the  
affidavits of S. Dawson and F. H. Dawson in support of same.  
(signed) S. H. Davidson.

Subscribed and sworn to before me, on this 7th day of Septem-  
ber, 1896;  
(seal)

(signed) T. A. Koenig.

Notary Public, First Judicial Division,  
of the Indian Territory.



Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, and we understand that packages are not promptly received for by the Chiefs and Governors.

xxx

For the Commission."

APPLICATION FOR ENROLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabanis and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson, ~~Willie H. T. Dawson Jane K. B.~~ (Line in ink drawn through these names) for and on behalf of Minnie E. Dawson, Olive Hand Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maxie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the lands and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokees Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,

Andrew J. Dawson,

Names.	Ages.	Relationship.
Minnie E. Dawson,	25	Daughter,
Olive Hand Dawson,	23	Daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	Daughter,
James K. P. Dawson,	14	brother.
William A. Dawson,	13	Nephew.
Maxie E. Dawson,	8	Niece,
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Niece.

IN WITNESS WHEREOF, I hereunto set my hand this third day September 1896,

(signed) Andrew J. Dawson.

Joint on back of folio:

United States of America,  
Indian Territory,  
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn on oath that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,  
Subscribed and sworn to before me on this the 3rd day of  
September 1890.

(Seal) (signed) J. A. Tillotson,  
Notary Public.  
My Commission expires June 3<sup>rd</sup> 1899.

Indian Territory, )  
Northern Judicial Dis- (S.S.  
trict

Andrew J. Dawson, of lawful age, being by the first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwassee river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his grand father and grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 60, an act of Nov. 17<sup>th</sup> 1843, page 30, also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, J. Dawson, Joseph Dawson, and John Dawson. He was admitted to citizenship by the Cherokee Nation and these names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson,  
Subscribed and sworn to before me on this 3<sup>rd</sup> day of September  
A. D. 1890.

(Seal) (signed) J. A. Tillotson,  
Notary Public.  
My Commission expires June 3<sup>rd</sup> 1899.

Indian Territory, )  
Judicial Dist. } S.S.

F. K. Dawson, of lawful age, being by the first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

his  
(signed) P. H. x Dawson  
mark

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) Frank L. Sharp  
Notary Public. (Seal)\*

\*Ind Ter  
Northern Dist

This affidavit was this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,  
Notary Public,

My commission expires June 3, 1895.

(Seal)\*

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation filed Sept 7-1896 A. S. McKennon, Com'r."

Before the Honorable Henry L. Doves, Frank C. Armstrong, A. S. McKennon, T. R. Cebaniss, A. B. Montgomery, Commissioners. In the matter of the application of Andrew J. Dawson, Nation's No..... Commission's No.....

for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

- 1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.
- 2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same, as to the said application, says that said Andrew Dawson claims to derive his lineage from the Cherokee Nation, if not now, . . . of the Cherokee Nation, since . . . went to the Indian Territory, . . . that he was there at . . . of said matter; that nothing . . . could, or ever have existed in . . . as citizens thereof.

See case Nation's No. 1073.

Having fully answered, your respondent asks to be hence  
dismissed.

E. H. Hayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Moudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having  
been first duly sworn, states that the matter contained in  
the foregoing answers are true, to the best of his knowledge  
and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this 5th day of Oct 1896.

(signed) D. J. Ball,

Notary Public.

(Seal)\*

Indorsed as follows: "Nation's No. 4079.  
Court's decision No. 4894, in re application of Andrew J. Dawson,  
DEMURRER AND ANSWER. Filed Oct 21 H. N. Jacobay, Sec."

The foregoing documents, comprising the 1896 papers  
as above set forth, are inclosed in envelope indorsed:

"No. 4894, Petition of Andrew J. Dawson, and heirs, Cherokee,  
9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4094."

BY MR. HUTCHINGS: Now we desire to introduce the records in  
the case of Joanna Barber, et al., No. 1864, the United States  
Court number being 90, and the Nation desires to call especial  
attention to the testimony of T. C. Rogers and Sarah Carter  
as set forth in this case.

BY MR. MCKENNON: To all of which applicants object, because  
it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

Record is shown by proof here-  
with filed.

**APPLICATION FOR ENROLLMENT.**

To the Honorable Henry L. Brown, Frank C. Armstrong, Archibald  
L. ... and Alexander B. Montgomery,  
authorized by an act of Congress  
and ... for citizenship

[REDACTED]

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, G. R. Dawson, W. A. Dawson & F. H. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,  
(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

Names	Age	Relationship.
Joannah Barber,	60	Daughter of Elizabeth or Betsey
Isaac J. " Husband	65	Petty, nee Dawson, who was a
Chris E. " "	26	daughter of Polly Dawson, nee
W. R. " "	24	Rogers who was a daughter of
James E. " "	18	Capt Jno Rogers and Ailey Rogers
Johnny " "	6	nee Vann a Cherokee Indian by
Joel A. Barber	39	blood as is shown by proof herewith filed.

In witness whereof I have set my hand on this 4 day of August 1896.

(Signed) Joannah Barber.

Indorsed as follows: "Pd 2.50 No. ... Petition of Joannah Barber for a d. on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, would state and show from the proof submitted to the Commission that he is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 3 day of Dec 1835. My father's name was John Petty. My mother's name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And it is averred these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(Signed) Joannah Barber.

INDIAN TESTIMONY.

FIRST JUDICIAL DEEDS.

Now on this 4 day of Aug personally appeared before me ... a Deputy Public ... for the ... being duly sworn upon his oath stated that the facts set forth in the foregoing petition are correct and true.



Subscribed and sworn to before me this 6 day of August 1897.

(Seal) (Signed) W. J. Watts, Notary Public.

\*(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian Territory, Affidavit of S. R. Dawson.

Delaware District, Cherokee Nation, First Judicial Division, U.S. Court, Indian Territory. SS

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joannah Barber and has as long as he has known any person- that she is of Cherokee- Indian descent- that her maiden name was Joannah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal) (signed) S. R. Dawson.

Subscribed & sworn to before July 6 1897 (signed) W. P. Hubbard, Notary Public.

United States of America, Indian Territory, First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the Judicial Division aforesaid, do hereby certify that the text above in the within one page of an affidavit is a true and literal copy of the original as presented to me at Tahlequah, Ind. Territory, this the third day of July A.D. 1897.

(signed) William F. Rasmus, Notary Public, First Judicial Division, Indian Territory. (Seal) My Commission Expires July 3, 1897.

(A copy)

In the matter of the claim of Joannah Barber (nee Joannah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation,  
Ind. Ter.

Affidavit of E. Dawson,  
Coconawadsee District,  
Cherokee Nation,  
First Judicial Division, }  
U. S. Court, Ind. Ter. } ss

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law states on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Tallala, Ind Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joannah Barber and has known her as long as he has known any person- that she is a person of Cherokee Indian descent- the her maiden name was Joannah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Febr'y 1895

(signed) A. E. Williams,  
Notary Public.

(Impress of  
National Seal  
here.)

Com. Exps. sept. 26/96.

United States of America,  
Indian Territory, }  
First Judicial Division. } ss

I, William F. Ramsay, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tallala, Ind Ter. this the third day of July A.D. 1895.

(signed) Wm. F. Ramsay.

(Seal) Notary Public, First Judicial Division: Indian Territory, My Commission expires Febr'y 3, 1897.)

United States of America,  
Western District of Arkansas, } ss

In the case of one Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tallala, Cherokee Nation, Indian Territory.

Personally gave this day before me William F. Ramsay, a Commissioner U. S. Court within and of the District aforesaid- duly authorized to administer oaths W. A. Dawson, to a person- all well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, subscribed and

and says: My name is F. A. Dawson, my age is 52; I was born at West-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joannah Barber, whose mother's name was Elizabeth (commonly called Betty) Petty, nee Elizabeth Dawson, - a Cherokee Indian by blood, and she was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood - she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood - said Robert Dawson having been a full brother to said James Dawson - that therefore the said claimant, Joannah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognizes and acknowledges her.

(signed) F. A. Dawson.  
Subscribed and sworn to before me at Tallahassee, Ind. Terry  
this third day of December A.D. 1894.  
(seal) (signed) F. A. Ragus,  
United States Commissioner.

UNITED STATES OF AMERICA. }  
Western District of Arkansas. } ss

In the case of Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tallahassee, Cherokee Nation, Indian Territory.

Personally over this day before me William F. Ragus, a Commissioner of the U. S. Dist. Court within and for the District of Arkansas duly authorized to administer oaths Francis H. Dawson, to be made personally well known to be reputable and entitled to - and who - - duly sworn according to law deposes and says: My name is Francis H. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joannah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood - and I acknowledge the relationship by Cherokee Indian blood of Joannah Barber to me as first cousin - and I know that the said Joannah Barber therefore is of Cherokee Indian blood.

(signed) F. A. Dawson.  
Subscribed and sworn to before me at Tallahassee, Ind. Terry  
this 17th day of November A.D. 1895.  
(seal) (signed) F. A. Ragus,  
United States Commissioner.

Entered in my office at Tallahassee, Ind. Terry, this 17th day of November A.D. 1895.

"Page 21, Docket "7"

Joannah Barber,  
Office Commission on Citizenship,  
Tahlequah, C. H. August, 1887.

Docket, No.	Names	Age.	Sex.	Post Office.	Atty.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Alicy J. Barber	34	female		
3	Irena Barber	24	female		
4	Ema Barber	22	female		
5	Atta Barber	20	female		
6	Harv Barber	17	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	26	male	Ancutor	
11	Riley Barber	15	male		
12	Edgar Barber	3	male		

V.S.  
Filed Aug. 12, 1887.

John Rogers &  
Alicy Prust.

See decision this case in that of L. R. Dawson,  
adverse to claimant in this Book page 20.  
This April 26th, 1889.

D. S. Williams,  
Clerk con.

Will. P. Ross, Chairman,  
J. E. Genter, Com.

"S. E. Dawson.

Office Commission on Citizenship,  
Tahlequah, C. H. Aug. 11th, 1887.

Docket, No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. E. Dawson,	60		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J.	35	female		
5	J. C. Dawson,	31	male		
6	Elias T. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Ema Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male		
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancutor	

Filed Aug. 11, 1887. John Rogers  
Registered April 20, 1889.

Now this case comes this above case for final hearing,  
Samuel E. Dawson having his application for re-admission to  
Citizenship in the Cherokee Nation upon the ground that he is  
not son of Samuel Dawson, a white man, Polly Rogers, the alleged  
daughter of Captain John Rogers, and Alicy Prust said to  
be half sister of Joseph P. M. Prust, known as sign and  
who were of Cherokee blood. It is admitted that John Rogers

Willsey Burnett died before the rolls upon which their names would appear as living at the time, and specified in the 7th section of the Act of December 8th, 1886, creating the Commission on Citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant as admitted to citizenship by the Commission on Citizenship commonly known as the "Tehsee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decisions of those Commissions or the testimony now introduced to authorize the admission of the present applicant is not relevant to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides that the Commission hearing on any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokee taken by the United States, and are hereafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokee by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,  
 F. Bunch, Commissioner,  
 John E. Gunter, Commissioner.

This April 26th, 1889,  
 D. S. Williams, Clerk Com."

United States of America, )  
 Indian Territory, )  
 Northern District, ) ss.

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skiatook, Ind. Terr. and he was born and raised in the above said Nation and Territory; that he is 45 years of age;

Affiant further states that he is slightly acquainted with Irene J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiant's grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had one sister and five brothers viz. Cynthia Rogers, Sarah Rogers, George Rogers, Nelson Rogers, Samuel Rogers and Daniel Rogers; that he [this affiant] was well acquainted with the above said Rogers except Samuel and Daniel Rogers, who were killed when this affiant was quite young.



This affiant at the time he was 34 years of age, when his father, Charlie Rogers died, that his father never had any other family (like a wife or children or brothers or sisters than the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. Rogers, was not a sister of his father; that his father never had but one sister viz. Cynthia Rogers that this affiant never heard of; that this affiant was well acquainted with his aunt Cynthia Crump-

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF

CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original records in this Department, and that the same are correct copies and true to the original.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1890.

(signed) John L. Adair,  
Executive Secretary."

(Seal)

Then the above affidavit continues:

"(her) Rogers that she lived with this affiant's father for a number of years prior to her death.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that his affiant was about 30 years of age when his aunt, Cynthia Crump died; that they told him there never was (word's "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers.

Affiant states that his father told him a number of times, that this affiant's grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers owning, or having a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Vanhook, Arkansas, in the year of 1817.

Further affiant said not.

Witness my hand and seal at Tahlequah, Cherokee Nation, this 1st day of October, 1890.

(signed) William H. Hall,  
Notary Public,

(seal) My commission expires January 16th, 1900."

United States of America, }  
Indian Territory, } 98  
Northern District, }

Mrs. Sarah Carter being first duly sworn states: that she is a citizen and resident of the Cherokee Nation, Ind. Terr. and her post office address is Elletts, I. T. and she is 65 years of age.

44

Affiant states that she is the daughter of Charlie Rogers; that her grand father on her father's side was Capt. John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof, and that the facts therein set forth are true as she verily believes.

(signed) Sarah Carr, P.  
Subscribed and sworn to before me this the first day of October, 1896.

William H. Hall,  
Notary Public,

My Commission expires January 16<sup>th</sup> 1900.  
(seal)

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKenyon, T. B. -- (name torn off) A. H. Montgomery, Commissioners:

In the matter of the application of  
John Barber

Nation's No. 1573  
Commissioner's No. ...

et al--

for citizenship in the Cherokee Nation.

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds hereof says:

1st, That the Commission has not jurisdiction over the parties or subject matter of this controversy, and not legal right, therefore, to hear and determine the same.

2nd, That the application does not set forth facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says the John Rogers through whom the petitioner claims to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that his name does not appear upon any of the authenticated rolls of said Nation; that neither they nor any of their ancestors now residing or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Having fully answered, your respondent asks to be deemed dismissed.

S. H. Hayes, Principal Chief Cherokee Nation.

By H. L. ...

John L. ...

(signed) John L. ...

(seal) ...



Joel A. Ringer is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson, nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Bower, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

E. A. Hurley, whose maiden name was E. A. Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the proof herein submitted.

E. A. Moore, whose maiden name was E. A. Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Start, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Garlinghouse, whose maiden name was Joanna J. Start, is a daughter of Alcey J. Start, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you direct the name of each claimant, together with the name of their aforementioned children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Garland & Patis,  
Council for Petitioners

Indorsed as follows: "1804 No. 3 Filed Feb 24 1897,  
Jas. A. Winston, Clerk."

Commissioners,  
Henry L. Dawes, Frank C. Armstrong, Archibald S. McKim,  
Thomas B. Cabaniss, Alexander B. Hodge--H. M. Jacoway,  
Secretary.

DEPARTMENT OF THE INTERIOR,

Commissioner to the Five Civilized Tribes,  
Vinita, Indian Territory, Oct 2, 1896,  
Filed Sept. 3, Answer Filed,  
Application Denied.

Jordan Barber,  
vs.  
Cherokee Nation.

I, H. M. Jacoway, Jr., secretary, do hereby certify that  
the above and foregoing is a true and correct copy of Cherokee  
Record A. page 297 of the Commission to the Five Civilized  
Tribes.

Given under my hand and official signature this 12  
day of Feb. 1897.

H. M. Jacoway, Jr.,  
Secretary.

Indorsed as follows: "1804 No. 3 Filed Feb 24 1897,  
Jas. A. Winston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED  
TRIBES.

Jordan Barber et al,  
vs.

Cherokee Nation. No. 1804.

AFFIDAVIT FOR APPEAL.

Now do I, the said Jordan Barber et al, applicants for citizen-  
ship in this case, by W. J. Hattie, one of our attorneys,  
and my co-applicant, the Honorable Commissioner of the Honorable  
Commission to the United States District Court, as provided  
by the Act of Congress approved June 10th, 1896.

And the said W. J. Hattie, being duly sworn and acting  
on behalf of said applicants do hereby depose and say that  
in this case it is not found for the purpose of giving said  
judgment as to said applicants.

(Subscribed and sworn to before me this 12th day of Feb. 1897,  
1897.)  
W. J. Hattie,  
Notary Public.

Indorsed as follows: "1804 No. 3 Filed Feb 24 1897,  
Jas. A. Winston, Clerk."

Indorsed as follows: "1804 No. 3."



Received of L. L. Macoway, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of  
vs. Cherokee Nation, as follows:

Witness my hand and official seal at Muskogee this the 20 day  
of July 1897.  
(SEAL) (signed) J. Q. Winston, Clk.

Indexed: "Court No. 1864, receipt for original papers  
in the case of Joanna Barber et al vs. Cherokee Nation,  
received and filed this . . . day of . . . 189. . . Secretary."

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,  
NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber Onis E. Barber, William R. Barber, James  
L. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber,  
Dora Barber, Attie L. Hunt, Alogy J. Start, APPELLANTS,  
VS  
CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION  
TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause  
and petition the Court to grant an appeal in said cause from  
a decision of the Commission, known as the Dawes Commission,  
created and empowered to treat with the Five Civilized Tribes  
of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw,  
and Seminole Indians, and to pass upon and decide applications  
for citizenship in the said Five Civilized Tribes, which  
decision by said Commission was rendered by authority of, but  
not in accordance with, an Act of Congress passed and approved  
June 10th, 1896, and by which decision on the 29 day of  
October, 1896 the aforesaid appellants were denied their  
rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their  
rights to citizenship in the Cherokee Nation, as aforesaid are  
as follows: to-wit: The affidavits of E. Dawson, S. G. Dawson,  
T. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establish the  
fact that said applicants are Cherokee Indians,  
by blood and descent, and entitled to rights of citizenship  
in the Cherokee Nation.

Said affidavits, together with the application, of said  
appellants, were, prior to September 10th, 1896, filed  
with and submitted to said Commission for its investigation,  
consideration and decision.

That a certified copy of said application, together with  
the aforesaid affidavits, were served upon the Agent, of  
Attorney General, of said Cherokee Nation, prior to September  
10th, 1896.

The error of the Commission in rejecting the claims of  
citizenship of said appellants are the grounds they wish  
to bring before this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proofs submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying same during the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellees in support of the claims filed by the appellees and denying the appellants the right of Billie's application to appellee's answer or proposed proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants benefit of a trial of their claims by a competent jury, as granted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before the said Commission.

SIXTH. The Commission erred in refusing to issue process, for witnesses and to send for records and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the location of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to satisfy appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proofs of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELFTH. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legislative authority to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and remove a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, *de novo*, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send and furnish all papers and records filed heretofore in this cause in this Court, and that the Cherokee Nation, the appellees in this case, be cited to appear

at this Court on plead and defend against the appeal, they  
why the appellants should not by the rules, orders and decisions  
of this Court be adjudged entitled to citizenship in the said  
Cherokee Nation, and the appellants will ever pray.

(signed)

V. B. Watts,  
A. H. Garland,  
T. J. Watts,  
Attorneys for Appellants.

Indorsed on back: "Cherokee Citizenship Case, No. 99 No 5  
Joanna Barber et al vs Cherokee Nation Filed Dec 27 1896  
Jas A Winston clerk. Watts, Garland & Watts, Attorneys for  
Appellants."

"SUICIONS.

SO NOW  
United States of America, )  
Indian Territory, ) (ss.  
Northern District. )

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the  
Cherokee Nation, or the Attorney General of said Nation, to  
appear on the first day of next May term of the United States  
Court for the Northern District, Indian Territory, at Muskogee,  
Indian Territory, being the 4th day of May, 1897, A.D. 189--  
a petition praying an appeal from the decision of the  
Commission to the Five Civilized Tribes duly filed in said  
Court by Joanna Barber, Chis E. Barber, W. B. Barber, Jas E  
Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Eva  
Moore, Attie L. Hunt, Alcey M. Smart, who claim to be entitled  
to be enrolled as citizens of said Nation, to the United States  
Court for the Northern District, Indian Territory, which  
petition is now pending in said Court, and warn him upon a  
failure to answer petition within thirty days from the time  
of the service of this writ, that an appeal will be taken for  
conferred, and you will make due return of this summons within  
ten days after the actual service of this writ.

Witness the Honorable William M. Springer, Judge of said  
Court, and the seal thereof, at Muskogee, Indian Territory,  
the 26th day of Dec, 1896 A.D. 189--

(signed) J. A. Winston, clerk.

(SEAL)

MARSHAL'S RETURN.

I received this summons the 29th day of December A.D.  
1896 and served the same as follows: T. J. Watts,  
Attorney for the Cherokee Nation Indian Territory served  
on T. J. Watts at Muskogee, Ok. Ter on the 1st day of  
January 1897.

(signed) V. B. Watts

By \_\_\_\_\_  
Attorney for Respondents.

Indorsed on back as follows: "Citizenship Case No. 90  
Cherokee Nation... vs. No. 90... At vs. Cherokee Nation."

Joanna Barber et al.  
vs. No. 90.  
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom this  
case was referred, submit the following report:

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,  
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL )

-VS- )

: REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION. )

-----oo-----

I, H. A. Gibson, Special Master herein, show to the Court  
that under the general order herein, I have examined the  
proof of pleading herein, which is hereto attached and made  
a part hereof, and what I find as follows:

I

That this cause was instituted on September 3rd, 1896,  
before the Deane Commission to the Five Civilized Tribes, by  
Joanna Barber, and Isaac J. Barber, her husband, and their  
children, Onis E., William E., James E., Johnnie and Joel A.  
Barber. That Joel A. Barber had the following children:  
Mattie Toliver, George A., Frankie G., Jesse and Ethel Barber.  
That the application included also Mary A. Taylor and her  
child Inez to say, Emma D. Wherry and her child Clara Wherry,  
Eva Moore and her children Anna J., Jackson D., Mary  
Clayton, Attie L. Hunt and her child Dora Hunt, Alice J. Smart  
and her children Georgia A. and Emory L. Smart, Joseph J.  
Carlin Moore and her children Lottie G., Oora L. and Bertha  
H. Carlin Moore. That this application was by the Commission  
tried and rejected on October 23rd, 1896, with no reasons  
given for that decision, and then subsequently on December 27,  
1896, the plaintiffs appealed to this Court. That the parties  
all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be heard as to  
citizenship in the Cherokee Nation by reason of white  
descent from Polly Porter, who is claimed to have married  
Indian by blood. That it is filed in support of this application  
the affidavit of S. E. Benson, E. Smyser, J. W. O'Connell  
and F. A. Houston, and testify that Joanna Barber, the  
applicant of citizenship, is a white woman who was  
born in the Cherokee Nation, and that all of the children of  
Joanna Barber, and that Polly Porter, are the children of  
Catherine Porter Moore and Wiley Vann. That these witnesses  
are all of white citizenship by blood, and white race, and



claimants, and according to their testimony, related to the blood.

The appellee introduces to controvert this testimony the decision of the Cherokee Commission on citizenship, rendered in the year 1897, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood; while the appellee contends that John Rogers, through whom the petitioners claim, is not now and was not before a citizen of the Cherokee Nation since the removal West; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1897, and probably longer, though the proof does not set definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herin as Special Master.

Respectfully submitted this 10 day of August, 1907.

(signed) H. A. Gibbon,  
SPECIAL MASTER.

By fee paid.

No Exceptions filed."

THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian, by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1897, and probably longer, though the proof does not set definitely how long they have so resided. It does not appear that the applicants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

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."

Indorsed on back: "No. 7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, filed August 17, 1897, Jas A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in packet indorsed: "No Joanna Barber et al vs Cherokee Nation."

"NOTICE.

1898

UNITED STATES OF AMERICA  
INDIAN TERRITORY  
OF THE DISTRICT.

} In the United States Court for  
} said District.  
} In the matter of the application  
} of Joanna Barber et al to be

enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said court to transmit at the earliest time practicable to said court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable Willard H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1898. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk.  
Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in packet marked: "No. 1864."

BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being, 258, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call special attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Mr. Baker in the case of Robert Dawson against the Nation, number 100, before the Citizenship Commission, and which was made January 19, 1894.

BY MR. WASHINGTON: "Of all of which the applicants object, because the same is material, irrelevant and immaterial."

The Papers in Court No. 238, just introduced above, are as follows:

"Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19, 1882.

No. 106.  
Robert Dawson et al     ) Exhibit C.  
                                  )     )  
                                  )     )  
                                  )     )  
                                  )     )  
                                  )     )  
                                  )     )  
Cherokee Nation.     )

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:

My name is Arthur A. Baker I reside at Berryville Arkansas Carroll County y age is 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carrolls County some 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Rebt Dawson grandmother on mother's side she was frequently at my mothers house though she Anna Pruet lived in the Nation side; she claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my Mothers house she said her mother was about grown when I was a little boy. She called her daughter Polly Rogers, said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my Mothers and there at Louis Rutes Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Burton, I stayed all night there at his and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruet and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (Word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls. The children named in the petition I recognized as being the claimants.

Question by Solicitor:

- Qd. 1 How many children did Polly Rogers have?
- A. 1 Five I think that's all.
- Qd. 2 Did you say anything about some one being married twice?
- A. 2 The claimant was married twice.
- Qd. 3 Could Anna Pruet speak Cherokee?
- A. 3 Yes, she could speak it well.

- Ques 4 Did Polly Rogers ever see Cherokee?  
Ans. 4 She did when she was young.  
Ques 5 How far did you live from Anna Pruet?  
Ans. 5 Just across the river about 3/4 of a mile.  
Ques 6 Was Calhoun in the Cherokee Nation?  
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.  
Ques 7 Which Harnage was it went to Texas?  
Ans. 7 George went first, then John went, they were the sons of old Sam Harnage, that lived up near the line.  
Ques 8 Did the claimant go to Texas?  
Ans. 8 No the claimant did not go to Texas.  
Ques 9 What connection was claimant and Polly Rogers?  
Ans. 9 The claimant is the son of Polly Rogers.  
Ques 10 Where does claimant now live?  
Ans. 10 He lives in Carroll Co Arkansas.  
Ques 11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Coconawscowsee?  
Ans. 11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first came to this country about the year 1830.  
Ques 12 Was Anna Pruet the maiden name of claimants grandmother?  
Ans. 12 Yes that was her maiden name the Indian called her since his  
(signed) Arthur X Baker  
Mark

Witness hand paralyzed is the reason why he signed by a Mark  
A S X

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct copy of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(seal) (signed) R. T. Hanks,  
Asst Exec Sec.

To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as she to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her mother, who is a Cherokee Indian by blood the said Joannah Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Lawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (Aly Vany) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the legal grounds for her application for citizenship in the Cherokee

petition, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:

W. J. House, aged 34 years; Chas. C. House, aged 8 years; Winson T. House, aged 3 years; Amy V. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.

(signed) Irene J. House.

Northern Judicial District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.

(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D. 1896.

(signed) J. Barricklaw,

Notary Public, My commission expires

(seal)

June 3 1899."

"EXHIBIT A.

Northern Judicial Division, Indian Territory.

Joanah Barber being duly sworn according to law, on oath states by name in Joanah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband's occupation is Farmer I am a Cherokee in Coconawcooco Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (commonly called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13<sup>th</sup> 1863, moved with her husband children to the Indian Territory and settled near Talala I Territory

(signed) Joanah Barber

Subscribed and sworn to before me this 19<sup>th</sup> day of Aug. 1896.

(signed) J. Barricklaw,

Notary Public, My commission expires

(seal)

June 3 1899

"EXHIBIT B.

Indian Territory, Northern Judicial District ss.

F. H. Dawson being duly sworn according to law deposes and says:

My name is F. H. Dawson; I am 54 years of age; my post office address is Afton Indian Territory; I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee.

My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Eastern Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson, father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers. The said Elizabeth Petty was the mother of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, the facts stated as occurring since my childhood I know of by personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(signed) F. H. Dawson."

"Indian Territory,  
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. H. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. H. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal)

(signed) John H. Koogler,  
Notary Public."



Northern Judicial District,  
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states his name is E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a Farmer by Occupation, and reside in Coconino District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My Grandmother Polly Rogers was a Cherokee Indian and was married to my Grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Roger came West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joann Barber who is a full cousin by blood of this affiant on the Indian side, the said Joann Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barricklaw, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occurred before the recollection of affiant he testifies to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this 19 day of August 1898

(signed) J. Barricklaw,

Notary Public, My Commission expires June 3, 1899.  
(seal)."

Notary Public.

Cherokee Nation,  
Covachecowee District.

EXHIBIT E.

Before me the undeigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn; deposed and says, that he is well acquainted with Irene J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a niece of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irene House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irene House is a lineal descendant of Annie Dawson whose children (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1890.

(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:

"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1890 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

"Received of W. M. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."  
(Seal)"

Indorsed: "Court No.238 No. 5464 Receipt for original papers in the case of Irene J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189...."

"Irene J. House et al,  
vs. No. 238  
Cherokee Nation.

Hr. M. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

IRENE J. HOUSE ET AL.

VS

238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

-----000-----

I, M. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal case herein being Irene J. House a daughter of Joanna Barber.

That this case was instituted on September 1, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 29, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That their file in support of their application the affidavits of Joanna Barber, E. L. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Petty, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsley Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsley Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission on citizenship in the year 1897, and the record of the rejection of the claimants, and further the affidavits of W. D. Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and the he had only one daughter, whose name was Cynthia.

III

The claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1837, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 2 day of Nov 1897.

(signed) W. A. Gibson,  
Special Master.

My fee paid.  
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "232, Irene J. House et al v Cherokee Nation Final Report of Special Master, filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "233, Irene J. House, et al vs. Cherokee Nation."

BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. F. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. HOBBS:

Q Please state your name, age and residence? A My name is D. F. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.  
Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.

Q You gave testimony in this case once before did you not, before the Deves Commission? A I did.

Q Before this Commission I will say, this commission? A The Deves Commission? A My I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.

Q Were you in any way connected with the Cherokee Citizenship Commission in 1883 known as the "Deves Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existence of that Commission.

Q You were the only clerk it had during its existence were you?  
A I think I was.

Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.

Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.

Q Thomas Teshe, President of the Commission, Alex Wolfe and T. P. Thompson, Commissioners, that is correct, is it? A That's correct.

Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.

Q Were you at that time acquainted with F. H. Dawson, commonly called "Bud Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely know Mr. Dawson; all I know of him was I saw him there as a party to the suit. I know Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.

Q They were recognized Cherokee citizens were they? A They were.

Q Was Taylor not known generally as a Citizenship Attorney?  
A I think he was.

Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.

Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?

Q Who called up the case? A No, I don't recollect.

Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.

Q Was that in favor of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.

Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.

Q Did Bud Dawson pay you any money in connection with that case?  
A He did not.

Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.

Q Or paid you any money, either directly or through any other persons? A For my influence in that case?

Q Yes, sir? A Never.

Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.

Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the session of the Commission; I saw but very little of him during the sessions of the Commission; now and then I would see him in the Court.

Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judgment?



ment. A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.

Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered in that case?

A Yes, he paid me some.

Q How much? A My recollection is that I think it was a two-dollar bill. I don't know but I had rather not state the transaction, all about it.

Q Now, Mr. A. Mr. Dawson, Bud Dawson, during the trial of the case, occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind? I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did anything of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I had no charges for any of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Hotel in Tablequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home, - he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; as I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he said to me, you shan't lose anything for your kindness in being so kind as to have reference to my services at the desk. That was the last I saw of Mr. Dawson, and it must have been a year afterwards. I have located a little claim on the public domain on these Bellevue District, staked off what I intended to be a farm, hereby takes, I didn't make any other improvements, over to the Ford Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it. I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long, - I think I ran him in visits, and says he, did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson?

A None at all.

Q He paid you no other money than that that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Talco Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Teben, President, Alex Wolfe, T. F. Thompson, Commissioners. D. F. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

\*Office Commission on Citizenship,  
Tahlequah, C. N., September 24th, 1881.  
No. 108

Robt Dawson,  
Elbert Dawson,  
Jasper Dawson,  
John Dawson,  
Josephine Dawson,  
Joseph Dawson,  
Jane Dawson,  
Molly Dawson,  
Wilbrod Dawson,  
James Dawson,  
Rial Dawson,

Petition for Citizenship

vs.  
Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1882.

The above case continued by the Cherokee Nation till sept.



Q Do you remember to have seen any other member of the [unclear] family about the Court at that time [unclear] [unclear] I have been thinking, and I can't call to mind that I ever saw any other [unclear] except [unclear], until after they were into the [unclear] [unclear] to the rendition of the judgment.

(At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and asked to retire until called.)

BY MR. HORTON (G):

Q Mr. Duncan, when did you become clerk of the Texas Commission Court? A It must have been somewhere in December, 1884, at the time the office [unclear] was organized immediately at the close of the Council in which they were appointed.

Q December 12th '84? A I think so.

Q What are you doing [unclear] judgments here in your handwriting in 1885? A The Commission [unclear] Court after they were elected sometime.

Q The Court was elected in [unclear] month '84? A Well, I don't know the time, I don't pretend to say when the Court was elected, I might have said at the time I was chosen clerk I was chosen clerk just at the close of the session of the National Council of that year.

Q '84? A I think it was '84.

Q You entered in this judgment rendered January, 1885? A Yes, that was the session of the Commission.

Q That was before you were clerk of it? A Well I held my clerkship for some time you know continuously.

Q Well but when you mean to say that you were their clerk when the [unclear] case was passed on? A No, I don't mean to say that.

Q How could you be clerk when the [unclear] case was passed on in 1883 when you were not elected until 1884? A I am mistaken in that, '84 comes after '83, - it was the year preceding 1884, it must have been '83.

Q Your first entry in the [unclear] case is January 13, 1885, isn't it?

Q I don't recollect that my first entry was. (Attorney shows the record to witness) Yes, that is the entry there on that day.

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk? A I think so, yes; it was entered at the previous term of the session of the Commission.

Q In these hand-writing was the name of the three Commissioners signed to that judgment? A Byron [unclear] [unclear] (Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately gave them that day a transcript of the judgment, do you know who signed that? A Signed the [unclear] [unclear]

Q Yes, sir. A I do not recollect now, this is, did the writing?

Q Signed the record to it? A Yes, that's it.

Q Yes, of my signing the name of Jones and White isn't your?

A I think I did [unclear] generally; I don't know of their attempting to write [unclear]

Q [unclear] [unclear] his own name? A Some- [unclear] [unclear] to do is,

Q [unclear] [unclear] to do is

A [unclear] [unclear] frequently [unclear] [unclear]

A [unclear] [unclear] the [unclear], that is



Q Will you look at the original transcript hereby shown you and refer to it in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q What made you when you were testifying at Yvinta before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court is vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served in which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, not on that your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting, and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting, if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Fisher and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that there was a resemblance; what was in of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I was such a deceiver—that his chirography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.



Q You were also... in your testimony by the...  
A I don't recall...  
Q And you stated...  
A I don't recall...  
Q Then you never...  
A I don't know...  
Q No, the only...  
Q You can answer...  
Q Was it in the...  
Q In recalling...  
Q Did you have...  
Q But in this...  
Q And gave them...  
Q I don't recall...  
Q And indicated...  
Q That was a...  
Q To attach the...  
Q And other...  
Q I don't recall...  
Q I don't recall...  
Q I don't recall...

IT NOW BEING THE HOUR OF FOUR, 13 H., THE COMMISSION  
ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, WEDNESDAY, 13 H., APRIL 1903, -same as in fore-  
noon: D. W. C. DUNCAN again on the stand,  
BY MR. HUTCHINGS:

- Q Do you remember what witnesses were before the court? A I don't recollect now distinctly except Dr. Baker, I can't remember any other cause of the length of his testimony at the time it took to take it.
- Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.
- Q There was probably another old darker that testified was not there? A I have no recollection to that effect.
- Q The case was just decided really on Doctor Baker's testimony, he is about the only man that knew anything about the case? A I do not believe that Dr. Baker was the only witness; might have been others that has now escaped my recollection.
- Q Doctor Baker's testimony was taken down in writing? A Yes.
- Q There was not anybody's else taken down in writing, was there? A All the testimony that was accepted in the case was taken down in writing.
- Q Did you ever see anybody's else testimony in writing except Dr. Baker in that case? A That is not as I recollect, I can't recollect any other but Dr. Baker's.
- Q You know whether that was taken immediately before the trial or at the trial or how was it? A It was taken in the presence of the three commissioners during the session of the court.
- Q You mean the day that the case was decided or how? A I do not recollect whether the case was on trial more than one day, but my impression is that it was.
- Q Do you know whether it was the same term of the court or not? A I think it was the same term of the court.
- Q How many terms a year did that court have? When did you last see it? A I don't recollect of but serving but one term.
- Q Don't recollect the serving but one term? A Myself, it seems to me no.
- Q You didn't go in until January of 1892 did you? your first record is a record of about the 15th of January 1892, as shown by the book, isn't it? A I don't recollect in that regard.
- Q How would they take testimony in the case, then continue it, or how should they generally do about that? A I think they decided on the case at the term in which they took testimony.
- Q Did you any witness or not this testimony was taken in this case at the time it was decided or at the same term it was decided, or within a week or two of the time it was decided? A My best recollection is that it was taken at the term in which it was decided; case was taken up, testimony heard that the decision was made at the conclusion of the testimony.
- Q I will now, I see on October 13th, 1892, in your handwriting, the following entry under "It is agreed by the parties that this case shall be continued to the next January Term, 1893, and if the case is not then decided, it shall be continued to the September Term, 1893; if then a case is not then decided, the case shall be continued to the next January Term, 1894." Is that correct? A Yes, that is correct.

January and a September 1932 and this decision was rendered in the January, 1933 term. You take the testimony that during the January, 1933, term, at the time this decision was rendered? A. I find it impossible for me to recollect those facts. But the record shows that although I can see about that, that the record shows the correct statement of the facts and I can't recall them.

Q. Well there is a record here that the case was decided on the 15th day of January, 1932, upon agreement that it should be taken upon the 4th day of October, 1932; your record shows that there was nothing done in the case from January 15th, 1932 until October 4th, 1932; would you say that was correct? A. I should say it was correct if it is a mistake on the book; it is supposed to be a correct entry of the facts.

Q. I will let you see the book for yourself; I don't want to misrepresent you and do it at all. (Shows entry in book to witness.) A. I can't recall those facts in regard to the agreement.

Q. The book shows the testimony of the witnesses in court? A. I took it down.

Q. You took down the testimony of Dr. Baker? A. Yes.

Q. He was cross examined by counsel for the Nation? A. As to that I can't recollect. He was present, he was always present; I think it is in the book.

Q. And that testimony was taken at or near the 4th when the judgment was rendered in January, 1932? A. I think it was, by implication is to that effect.

Q. Well the court seems to have had no sessions to talk case from January 15, 1932 up to October 4th, 1932, according to the record? A. (No response.)

Q. You can't recall taking down anybody's else testimony in the case? A. No sir, I can't.

Q. And the responsibility is that he was the only witness examined, isn't that? A. It might have been so, my recollection is that he was regarded as the main witness of the case.

Q. He was quite an old man, about 70 at that time? A. Yes, he was quite old.

BY MR. SCREENING:

Q. The testimony of Dr. Arthur Baker, from this record, appears to have been taken in January 1932; is that correct as far as you may know, or are you able to recall? A. Is that Dr. Baker's testimony? (Attorney says witness Baker.) A. It appears to be, yes, I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the court and he wrote it down; please let me see it. (Attorney puts it in witness's hands.)

Q. Well, all I know about this is he testified before, I don't recall those facts, but whatever the record says I say that the record may be correct, according to the facts. (Witness reads copy of the testimony and agrees to its reflection in the record.) I don't see the record, but I am clearly so by our own testimony, and I agree with the record, better in that testimony that it is in the record. (Witness reads and agrees to its reflection in the record.)

Q. And that is the (over of the book) and...

Q. ...for whatever the record says... A. Yes, ...

BY MR. MCKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. MCKENNON:

- Q What is your name? A B. F. Fortner.  
Q What is your age? A 54.  
Q You are a physician are you not? A I am.  
Q Where do you reside? A Vinita, Indian Territory.  
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committee of the Indian Territory and of the American Medical Association,--those are some, and the most important positions I hold at this time.  
Q Are you a Cherokee citizen? A I am.  
Q By blood or intermarriage? A Intermarriage.  
Q Your wife is a citizen? A Yes, sir.  
Q Do you know D. W. C. Duncan? A I do.  
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.  
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.  
Q Is that good or bad? A It is good.  
Q Do you know Campbell Taylor? A I do.  
Q How long have you known him? A About six or eight years, don't know exactly how long: known of him for ten years and personally I have known him about six or eight years.  
Q Do you know his general reputation for truth and veracity? A I do.  
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

- Q Mr. Da can belongs to the same church you belong to? A Yes, sir.  
Q And has for a number of years? A Well now I say I think he does: I have always so understood.  
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.  
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.  
Q You was not at Tahlequah while he was clerk of a Court from 1887 to '89? A I don't believe I was.  
Q Never had any business before that Court? A Had no business before the, not while he was Clerk to my knowledge.

BY MR. MCKENNON:

- Q You spoke of his membership in the church, he is in good standing as a member of the church is not? A Yes, sir.  
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

- Q I will ask you if it was notoriously bad in 1888, were these people willing to support him before the Court? A They was before my knowledge of the.



Q But so far as you know his bad reputation dates back so far as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:

BY MR. HICKENHAW:

- Q What is your name? A G. W. Miller.
- Q What is your age, Mr. Miller? A 61.
- Q Where do you reside? A Vinita.
- Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.
- Q Are you a citizen of the Cherokee Nation? A No, sir.
- Q What is your business? A Real estate and insurance agent.
- Q Do you know D. F. C. Duncan? A Yes, sir.
- Q How long have you known him? A I have known him twenty years.
- Q Do you know his general reputation for honesty and uprightness of character where he lives? A Yes, sir.
- Q Is that good or bad? A It is good, so far as I know.
- Q Do you know Campbell Taylor? A Yes, sir.
- Q How long have you known him? A Well I have known him 18 or 20 years, I guess.
- Q Do you know his general reputation for truth and honesty? A Well yes.
- Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION make cross examination.

V. H. CURTIS, being first duly sworn and being examined testified as follows:

BY MR. HICKENHAW:

- Q What is your name? A V. H. Curtis.
- Q How old are you, Mr. Curtis? A 68.
- Q Where do you reside? A Arden, Indian Territory.
- Q How long have you lived in the Indian Territory? A 20 years.
- Q What is your business? A Lumber business.
- Q Do you know D. F. C. Duncan? A I do.
- Q How long are you known him? A About 20 years.
- Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
- Q Is that good or bad? A As good as any man's.
- Q Do you know Campbell Taylor? A I do.
- Q How long have you known him? A Some 20 years, I suppose.
- Q Do you know his general reputation for truth and integrity and honesty? A Yes, sir.
- Q Is that good or bad? A Bad.
- Q Is it notoriously bad? A Yes.
- Q Did you ever know Dr. Baker, Dr. J. R. Baker, of Berryville, Arkansas? A Yes, sir. I know him in '88 and '89.
- Q Where? A One of Berryville. I was a very well in that country at that time.
- Q Do you know his general reputation as far as honesty and uprightness of character in the community where he lives? A Yes, sir.
- Q Is that good or bad? A Good, sir. Good as any man's. It is a good reputation.
- Q Do you know his general reputation as far as honesty and uprightness of character in the community where he lives? A Yes.
- Q Is that good or bad? A Good, sir. Good as any man's. It is a good reputation.
- Q Do you know his general reputation as far as honesty and uprightness of character in the community where he lives? A Yes.
- Q Is that good or bad? A Good, sir. Good as any man's. It is a good reputation.



Q What is character with me to conclude any such charge against  
him? A It was, you say.

Q How long did you know him before? A Two years.  
Q What does he do for a living? A He was an old gentleman then, he lived  
in the city of New York, I think.

Q How long did you know him before? A I think it must have been  
two or three years before I saw him.  
Q How long did you know him before? A No, sir, it was in 1888, the  
two years before I saw him.

Q How long did you know him before? A Yes, sir.  
Q Did he have any children? A Yes, sir.  
Q What family did he belong to? A I don't know how such family he  
was, I was not acquainted with the old gentleman.

Q How long did you know him before? A No, sir.  
Q And his character was never called in question any way or the  
other? A No, sir, no.

Q How long did you know him before? A Not long, I never knew much good of  
him.

Q How long did you know him before? A Not long, I never knew much good of  
him.

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Q How long did you know him before? A Not long, I never knew much good of  
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him.

Q How long did you know him before? A Not long, I never knew much good of  
him.



Q His reputation for integrity is what you give to him if it is  
 taken occasion is someone that were like his name, doesn't he?  
 A I don't know whether it is qualified to grant that.  
 Q Stealing of his own money and time that were his own?  
 A No sir, not that I know of.  
 Q Haven't he quite a good deal about that sort of thing? A Good  
 his reputation?  
 Q Why is speaking of his own integrity? A I don't know  
 the reason.  
 Q You find out about the affidavit court along in 1931? A Yes  
 in here too. A No sir.  
 Q Don't forget about the fact that was with or around the  
 court along there about the affidavit court? A No, can't  
 remember anything special as I know of. I was for the affidavit  
 court going on at different times.  
 Q How far were you living from Tallahassee in '31? A Well, I lived  
 close to Florida, I guess it is sixty miles probably.  
 Q Have you lived any nearer Tallahassee since that time? A No sir,  
 never have.

W. L. WATERS, Deaf, First duty sworn and being sworn  
 testified as follows:

BY MR. PROSECUTOR:

Q What is your name? A W. L. Waters.  
 Q You are a Minister of the Gospel? A Yes sir.  
 Q M. E. Church, South? A Yes sir.  
 Q How long have you been a Minister? A I have been a  
 Minister 20 years, sir.  
 Q Did you ever live at Vero Beach? A Yes sir.  
 Q How long? A I was there for years, sir.  
 Q Where was D. V. ...? A ...  
 Q How long have you been here? A I have been in ...  
 Q Do you know the ... of ...?  
 Q Is that good by you? A Good, sir. I know.  
 Q You have an opportunity of handling? A Yes sir.  
 BY MR. PROSECUTOR:  
 Q Mr. Waters was a member of your church? A Yes sir.  
 Q That is the principal ... of ...?  
 A Yes sir, he was a member of ... board.  
 Q His connection with ... cases that were decided by the  
 court of which he was clerk was never ... in your ...  
 anywhere? A No sir.  
 Q Do you know ...? A No sir, I know nothing about his  
 connection with ...  
 Q How long have you lived at ... in ...? A Yes sir, I  
 have lived at ... in ...  
 Q ...? A ...  
 Q ...? A ...



... ..  
... ..  
... ..

Q How long have you lived in the ... ..  
A All ... ..  
Q Do you know D. ... ..  
A Yes ... ..  
Q How long have you known him? ... ..  
A About ... ..  
Q You know his general reputation for ... ..  
A Yes sir, ... ..  
Q Is it good or bad? ... ..  
A Yes sir, ... ..  
Q How long have you known him? ... ..  
A I think about 15 years. ... ..  
Q Do you know his general reputation for ... ..  
A Yes sir, ... ..  
Q Is it good or bad? ... ..  
A Yes sir, ... ..

... ..

Q How did ... ..  
A ... ..

Q You know the ... ..  
A Well I never ... ..  
Q He had a ... ..  
A Yes sir, ... ..

Q Had reputation ... ..  
A ... ..  
Q ... ..  
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A ... ..









or not I don't know; he was generally always at Washington City during the Term down there.

Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for us to come down in January Term and Campbell Taylor would see to my claim before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Well what did you do then? A Why when the time come I come down on the day to Muskogee here and I come over from here to Fort Gibson and I come down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got him to come over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he told us so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.

Was Houston Benge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the Courtierant? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they would go to get up the cigars in the court and the crowd in the house; after the decision was rendered then I was to get up the cigars, and everybody come to me and told me to go and get the cigars and I done so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.

Q Did they then announce their finding in the case? A Yes sir, they told us that I was granted my citizenship right and by the Courtierant.

Q What did you do about it then? A Why the clerk wrote out my certificate.

Q That was that? A That was that day.

Q What arrangement did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay him fifty dollars, that was his fee.

Q What was the arrangement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.

Q How you is write or was he to write? A He was to write for it.

Q Did your brother in Texas ever pay his fee of fifty dollars?

A Yes sir.

Q Was that all that was to be made? A All was to be made; all was done.

Q You would not state what day he gave his decision at Fort Gibson the other day did you not? A Yes sir.





Q Did you get the money to Joel Bryant, did you not? A Joel Bryant is the name of the man, but I don't know if he is the man who paid the money. I don't know if he is the man who paid the money. I don't know if he is the man who paid the money.

Q How did you get that \$25 dollars out of him, Mr. Bryant? A I rendered no services to him, and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.

Q The amount that he paid to Bryant? A Yes sir. Q The five hundred paid to him, this one hundred dollars, this one hundred dollars at the time the judge was rendered, or was it sent to his attorney? A I don't know, I don't know, I don't know about it.

Q You think it was paid that? A Yes sir, that's my recollection now.

Q Did you send the one hundred dollars after you had been there, a check to the attorney, or that judge, after it was rendered? A I don't know, I don't know, I don't know about it.

Q Did you send him a check for a hundred dollars in that direction? A No sir.

Q Mr. Bryant, you say that it cost you \$100 to get the money to obtain their release in the District of Columbia under this judgment? A That's what I do.

Q Tell about what you? A About five hundred dollars, maybe near 500 dollars, that is what I considered, I was bent out of some of my money, that I was bent out of and expense.

Q Now you say a statement of what that money was paid for and how, so far as you remember, it's like \$100? A Well the first fifty dollars Howard got; the next fifty dollars that I got; that was the attorney's fees; I speak of the attorney's fees now; the next money was the hundred that Dr. Bell Taylor got; the next attorney's fees was Bryant's one hundred dollars.

Q Was that all the attorney's fees? A I think it was, no, wait, I paid \$100 for Taylor, Baker's collection.

Q What name was that? A The name of the man, I don't know I think it was the name, Willie F. ...

Q ... the name of the man, I don't know I think it was the name, Willie F. ...

Q ... the name of the man, I don't know I think it was the name, Willie F. ...

Q ... the name of the man, I don't know I think it was the name, Willie F. ...

Q ... the name of the man, I don't know I think it was the name, Willie F. ...

Q ... the name of the man, I don't know I think it was the name, Willie F. ...

Q ... the name of the man, I don't know I think it was the name, Willie F. ...

Q ... the name of the man, I don't know I think it was the name, Willie F. ...



Q Well, A Well I made several trips out here a different times, to Tahlequah before the Commission, and back, three or four times as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you remember how many trips aside from the one which you brought Mr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Cherokee to see A. M. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and employed a wagon, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 22 dollars, one or the other, I don't remember which it was; Joe Dawson, my brother gave me the money, it was either 21 or 22 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Were there any one of them that was better off than the others, and if so, which one? A I remember Albert Dawson was better off than the others, that Dawson.

Q Do you know how much Buck Burton said of these expenses? A I don't think he said, he said the things about the Bryant debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that is one hundred and fifty dollars and taken some of the money with Joel Bryant who was clerk of the Court before this Texas Court, I don't know what that cost him.

Q Care to say he said took you to court? A Yes, one of us went back to Texas, filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Mr. Baker's testimony? A No sir.

Q You know how many witnesses were examined there? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he said there and took that testimony? A No, I got him there and then I got back home and left him at Tahlequah.

Q He had taken the testimony before you left him or after you? A He taken it afterwards; that was my understanding.

Q Did Buck Burton only the one hundred fifty dollars that you mentioned? A I think it was.

Q For the expense of taking those witnesses there? A Yes sir.

Q Did you furnish any of the members of your family?

A I remember the father lived down in Cherokee, as you say

we all lived in together a few

years ago, I don't know what year that was

but I don't know what year that was

but I don't know what year that was

but I don't know what year that was



Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.

Q Robert Dawson, your father, never did move to the Territory, did he? A No.

Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro chitron at night James Dawson came down there with someone else who introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.

Q He says that said James Dawson was 35 or 40 years old; was there any James Dawson living belong ing to your family at that time of any such age? A No sir.

Q How many James Dawson's were there belonging to your family?

A There was my uncle James Dawson and a brother James Dawson, the Doctor here.

Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.

Q About what age? A That have been 60.

Q Between 60 and 70? A Yes sir.

Q That was the age of your brother James? A At that time.

Q Yes sir, in '84? A In '84 I reckon he was about 18, some- thing like that.

Q Has he anything to do with the James Dawson case? A No sir.

Q Was he present at the time that the James Dawson case was under consideration? A No sir.

Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.

Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.

Q Who conducted the transaction of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?

Q Yes sir? A I think James Low and Will Jackson and Campbell Taylor.

Q Were you acting with them? A Yes sir.

Q They employed Campbell Taylor? A Yes sir.

Q Then there was no James Dawson present during that session of the Commission? A No sir.

Q What was the condition of James Dawson's health at that time?

A It was pretty poor, it was not good.

Q Was he at that time able to get about and attend to business?

A I don't think he was.

Q It is not a very frail man; old man at that time? A Yes sir.

Q Regarded as rather a willful man was he not? A Yes sir.

Q Did he attend to any kind of business of the family at that time?

A No sir, then.

Q What was the financial condition of the family then?

A Well he had some money.

Q Did he have any money? A Yes, he had some money, but not much.

Q How much money?

A Well, I don't know.

Q How much money?

A Well, I don't know.

Q How much money?

A Well, I don't know.

Q How much money?

A Well, I don't know.

Q How much money?

A Well, I don't know.

Q How much money?

A Well, I don't know.

Q How much money?

A Well, I don't know.

Q How much money?

A Well, I don't know.

Q How much money?

A Well, I don't know.

Q How much money?

A Well, I don't know.

Q How much money?

A Well, I don't know.

Q How much money?

Q Robert Dawson didn't move here? A No, I said except Robert Dawson.

Q Did all the members of Robert Dawson family move here? A Yes sir.

Q Except himself? A Yes sir.

Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.

Q She has never moved here? A No sir.

Q Well all the members of your family, your father's family included in that judgment of the committee, rendered January 11th, 1892? A All but one.

Q What was the name of that one? A Edna.

Q A daughter? A Daughter of Robert Dawson.

Q Your sister? A Yes sir.

Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.

Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.

Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my neighbors.

Q What are their names? A Katie Vernon and Verna Fishback.

Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.

Q That was in 1894, the Cherokee Council admitted, re-admitted to try called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names.

Q Except Vernon, it is not, Tab Robinson married the widow, a niece of mine.

Q How then was there any other consideration of the Dawson case by the Cherokee authorities at all the aside from these two judgments in '82 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '84 admitting these three who you have just named? A Yes sir.

Q Where? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and saw Highthrough member of Council, got their draft or checks for the money.

Q Have you got that copy of the act of Council admitting them? A Yes sir.

Q Where is it? A (Produces papers.)

BY MR. ADDENDON: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the principal chief shall draw warrants for such amounts, and further provided that the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1892 by the Principal Chief.

This act was approved December 11, 1892.

Approval signed by Stephen Farrow, Assistant Acting Principal Chief.

In witness whereof the seal of the Nation is hereunto set at the Cherokee Nation, this 11th day of December, 1892.

Approved and signed by Stephen Farrow, Assistant Acting Principal Chief.

In witness whereof the seal of the Nation is hereunto set at the Cherokee Nation, this 11th day of December, 1892.

Approved and signed by Stephen Farrow, Assistant Acting Principal Chief.

In witness whereof the seal of the Nation is hereunto set at the Cherokee Nation, this 11th day of December, 1892.



Q What? A In 1894.

Q What was that? A Allowing them their Strip money.

Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. MCKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed G. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blessingame family, as follows: Jane, Elbert, Henry, James Ross Leslie, Pearl, Aree, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of \$265.70.

Q Were these members of the Robert Dawson family? A Yes sir.

Q Which one of the members of the family? A Jane.

Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.

Q And her children? A Her children, was not admitted, she was admitted.

Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was

to Cherokee citizens by blood only or not? A Yes sir.

Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.

Q What was that? A That, I think it was in '84.

Q Have you got a copy of that act? A No, the record is here.

Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. MCKENNON: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 180, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q Those now are the Douthetts to which you refer, are they? Yes sir.

BY MR. MCKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 180, No. 181, record of 1880 to 1884, is as follows:

Office of Commission on Citizenship,  
Foleghash, Cherokee Nation, September 18th, 1883.

E. Dawson, for his grand-children, )

No. 181. )

Lula Douthett, )

Dallas Douthett, )

vs )

The Cherokee Nation. )

C. H. Taylor,

Atty. Gen. Claim.

Petition filed September 18th, 1883.



Case admitted by plaintiffs post 14th, 1867.  
 Case admitted by defendant, Sept. 10th, 1867.  
 Continued by plaintiffs until 22d June to September Court  
 1864.  
 Re-admitted September 22d 1864, by Atty Taylor and convert  
 Submitted by defense Sept 8 1864.

And now on this the 27th day of September 1864 after this  
 case for final hearing and all the evidence in the case  
 having been carefully read, and considered by the Court  
 on citizenship it has been decided by the Court that the  
 above named Bill Burnett and William Burnett are Cherokee  
 by blood, but that they are entitled to all the rights and  
 privileges of Cherokee citizenship in the Cherokee Nation  
 and that they shall be, and are hereby admitted to the full  
 and complete enjoyment of the same in all respects, relative  
 both Cherokee.

Wm. Smith, Clerk.  
 John Lee,  
 Andrew Young,

John E. Adair,  
 Clerk Court.

Commission on Citizenship.

Q Now were there any other actions of the Cherokee authorities  
 of like character relating to the members of your family?

A I don't remember of any others.

Q I will ask you if when the Cherokee authorities were  
 making the roll of 1866, in compliance with the request of the  
 Dawes Commission for a roll to be prepared by them for the use of  
 the said Commission, the question of the citizenship of the  
 members of your family was not then raised and an investigation  
 had in regard to it? A Before the Dawes Commission?

Q No, before the Cherokee Commission making the roll of 1866,  
 of which John T. Center was a member? A Yes sir, yes. I had forgot  
 it, but since you have raised it there was some investigation of  
 that at that time; this is what I understood.

Q That roll shows that the members of your family were duly  
 enrolled by the Commission? A Yes.

Q Have you had the other members of your family since your removal  
 to the Territory in 1837 and immediately following been recognized  
 as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee  
 citizens by blood since that time? A Yes sir.

Q You and all the members of your family are living in the Cherokee  
 Nation? A Yes sir.

Q You have all drawn Cherokee rations whenever your names were called?  
 A Yes sir.

Q And have you all taken part in voting in the Cherokee  
 elections or in the Cherokee Legislature? A Yes sir, I was one of  
 the members of the Legislature for several years.

Q You were a member of the Cherokee Nation for several years?  
 A Yes sir, I was a member of the Cherokee Nation for several years.

Q I will ask you, when you were a member of the Cherokee Nation,  
 in 1864.

Q Were you at the time held out articles of the Cherokee Constitution?  
 A Yes sir.

Q And were you at the time of the signing of the Cherokee  
 Constitution, under John Ross, in 1842?  
 A Yes sir, I was a member of the Cherokee Nation at that time.

Q Can any officer of court clerk be, and be any one else except a civilized citizen? A Only a citizen, yes sir.

Q Is that all? A (No sir).

Q How did the children of your family attend the public schools, and did you attend a school? A Yes, sir.

Q How did the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.

Q How did they bear trial for any offences against the law? A Yes sir.

Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.

Q And had suits instituted against them in such courts? A Yes sir.

Q Some of these suits have gone to the Supreme Court of the Cherokee Nation? A Yes sir.

Q And were passed upon by that tribunal? A Yes sir.

Q Is there anything else? A Nothing now; I am sick this evening; I have got a head-ache so bad I can't hardly see.

BY MR. BRIDGES:

Q How old was your father, Robert Dawson, he died? A I don't know, I couldn't give an exact.

Q He was a very old man? A Yes sir, he was getting tolerably old.

Q Could you tell me how old he was that you? A No I don't know.

Q My, John Dawson in 1854 must have been a very old man, isn't he? A Well he was old and he was feeble.

Q Well you stated that he had been so silly; was he naturally that way? A He used to live in Texas; I didn't know him until after he got to the Territory.

Q I got he had gotten so old, that was the occasion of that?

Q I got use so, the oldest one of these children was Mrs. Betty Baker, wasn't it? A Understanding.

Q And the oldest boy was John Dawson? A He always called him Jack.

Q Jack Dawson he was the oldest? A Yes sir.

Q Sam was the youngest? A Sam Riley.

Q He was the youngest one of the crowd? A Yes sir.

Q Your father lived four or five years after he and you were admitted to citizenship? Yes sir, something about that, it was in 1857, I think he died in 1867, I won't be positive; that is as near as I can say now. I have got a headache so bad that I can't remember anything.

Q He nor none of the other members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them.

Q Not a one of them was ever called upon to testify as to the blood of their father, the first one or anything, about it? A I don't think they was.

Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it?

A I don't know, I couldn't answer the question.

Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.

Q And nobody kin to the Rogers or Vann was ever called to testify in the case? A Not as I know of.

Q Now, are there well known Cherokee families in the country?

A I suppose so, I don't know.

Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know.

Q And your brother, James, he taken care of the evidence at Gallegah when I was not there; he first filed his claim.

Q You ha' spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.

Q Might have been a short time afterwards? A It was a short time afterwards. I went back afterwards and it was too late and I fetched him the next time.

Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.

Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.

Q You went off, come to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.

Q You didn't see your brother any more until after you were admitted? A No sir.

Q You and he however made trips back and forth to Tahlequah and home at different times, but you didn't happen to get together?

A No. I never met him any more and I don't know that he was there until after we were admitted.

Q But you were there and brought Dr. Baker over? A Yes sir.

Q And took his testimony a year or more thereafter before you were admitted? A I think as well as I remember, yes sir.

Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.

Q The way he came into your case? A The way he claimed to come in.

Q He did more in your case than Bryant did? A Campbell didn't do anything.

Q What did Bryant do? A I think he helped my brother take evidence by brother employed him.

Q How did you happen to be sending money by Campbell to Mr. Duncan?

A I never sent him any money.

Q That when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for us.

Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.

Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for 10 of the money I give him to give to Joel Bryant.

Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.

Q E. Dawson, you remember, had his for his grand-children? A That is my understanding.

Q And your uncle James Dawson had air in the case of his children?

A Uncle James had nothing to do with it; James Low and Bill Jackson got him; that was my understanding of who employed him.

Q The record here shows that the case was originally instituted by C. M. Jackson and was finally admitted by him sometime 2nd, 1884, in the James Dawson case? A I don't deny his being in that case.

Q You say he was employed in the E. Dawson case? A I don't know the way in the E. Dawson case.

Q The record shows that Campbell Taylor was employed in the case and it was finally admitted by him and he was admitted in that case while he was in the E. Dawson case?

Q That would be the E. Dawson case? A I don't know.

Q Oh, in the E. Dawson case? A Oh yes.

Q He was likewise at court in 1907.

Q Now, the Adair court, the 4th of October, 1907, in the case of K. P. Lawson? A I don't know anything about that.

Q And the case of Lewis of Piles? A I don't know anything about those.

Q They are a nation of yours? A Well I wouldn't say.

Q Is K. P. Lawson proved to be a citizen of Arkansas? A Well if he is he is by common law. There are a great many I don't know the all.

Q You know Andrew J. P... A Yes sir.

Q The Lawsons have so many children they can't hardly know they did they? A That's it, I don't know they.

Q Well, how do you don't know who Andrew J. Lawson is? A Well, I don't know.

Q I know from his application for citizenship, he was a citizen of Arkansas, he was advised to citizenship by the State of Arkansas, he says he, I don't know nothing about it.

Q He reside I believe, at that time in Arkansas, is that right? A I don't know anything about these people.

Q Andrew P... an old man paralyzed, was it due to the fact that wasn't he? A Getting old, he was not paralyzed.

Q That the statement made that the reason he couldn't give evidence was that he had to make his part, because he was paralyzed, is that true? A He didn't have to make his part, he was not paralyzed.

Q Then he was not paralyzed? A No, I don't know anything about that.

Q Well, I say he was a very old man? A Yes, I think so.

Q He didn't come to the court, did he? A Yes, he did.

Q Or he came to the court before he was paralyzed? A Yes, I know he came to the court with me, and he was paralyzed.

Q And you subsequently failed to make out it? A Yes sir.

Q He went back and got your wife and moved there to the house? A Yes sir, went to the house of the wife.

Q You never saw your grandfather at all? A Yes, I saw him, I saw him.

Q You remember do you of any other cases of citizenship in Texas in Texas in time of the war, after the war, after the war, and he was there.

Q In '60 sometime? A '60, I don't know, or '61, I don't know, I don't know in time of the war.

Q How old a man was he at that time? A Pretty old man.

Q You never saw your grandfather, and he was there, is that right? A Yes sir, I never saw her at all.

Q The first started the citizenship matter, was it either in Texas or Arkansas? A Yes, it was in Arkansas, and it was in Arkansas.

Q I mean who first conceived the idea? A I don't know, I don't know about it.

Q And sent down for him? A I was in Texas with him, and then in Arkansas; I went backwards and forwards, and I was there after the war.

Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokee? A Yes sir, that's that time.

Q They were getting pretty thick in there in 1867? A Well in '67 and '4 and '5 I think.

Q How was it excited out over there to get paralyzed or was it? A Just got to be everybody; but it wasn't at that time, it was admitted there was not much stir about the rights here.

Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.



BY MR. HASTINGS:

Q You did locate the case in the State of Ohio when you first got to Tallmadge in 1897? A I think so.

Q Your brother-in-law, Daniel Taylor, was married to the wife of your brother-in-law, the name of the wife was Sarah, did you not? A Yes sir, old General lived in the lower part of town.

Q Did you ever hear the name of any other witnesses which you stated perhaps testified in your case? A I have heard the name, I have forgot the name.

Q You don't recollect any name now? A I don't remember the name.

Q In the Irwin House case and Joannet Barber case, in which you testified before the Commission, when you were making search for this testimony you wouldn't find any other testimony from that of record except the Dr. Taylor testimony, would you? A That's all we could find, no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know, House got a copy of that alleged to be the affidavit of Baker and he told me to give it to him, that is all I know about it.

Q Well the certificate there does not bear by certificate does it?

A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Taylor, you couldn't find any other over there or records?

A I didn't hunt for any House made for that.

Q None of you have ever been able to find any others? A No.

Q Not even find our petition.

Q Samuel P. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning?

A Well I don't know, they claim to be, I never let them to know that.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember, I might have done it.

Q Didn't you testify in the Andrew J. Lawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Piley Dawson case? A No sir, not that I remember.

Q Didn't you know of the being rejected by that court? A I don't remember now.

Q You know that the General Council never authenticated the roll of 1897, don't you? A No sir, I don't know it; I didn't hear that the Council never authenticated after some papers and over look and they were about it.

Q You know that C. K. Taylor was a big rascal up until the Hayes Court? A (No response)

Q He was a big rascal that he has been in the Hayes Court?

A Yes, that is what I heard up to this time, I don't know any more about it, I could swear he was a rascal.

Q He was a big rascal in the Hayes Court? A Yes.

Q He was a big rascal in the Hayes Court? A Yes.

Q He was a big rascal in the Hayes Court? A Yes.

Q He was a big rascal in the Hayes Court? A Yes.

Q He was a big rascal in the Hayes Court? A Yes.

Q He was a big rascal in the Hayes Court? A Yes.



Q Wasn't he employ'd by J. L. Davison after you got your citizenship?

A Why not but the grand-children.

Q J. L. Davison's petition was filed in September 1927, after you got?

A Yes sir.

Q C. H. Taylor, attorney of record, filed his petition? A He

didn't have it filed for me I know.

Q Well you hadn't at that time fallen out with C. H. Taylor had

you? A Why no, we never did have any trouble, only over the money.

Q You never discovered that he was such a bad man until after your

judgment was rendered? A I know he was not of good character.

Q Are you and Bryant, this man who testified for the Cherokee

Nation, on speaking terms? A Hardly speak.

Q Does he refuse to speak to you? A Sometimes he does.

Q Do you refuse to speak to him? A Yes sir.

Q Have you been speaking to him for the last two or three months?

A I have not spoken to him until I got him there at the hotel the

other day.

Q First time you spoke to him since he had the boy arrested? A Yes

sir.

Q When did he have the boy arrested? A About in September or

October, September I think.

Q When did Dr. Baker die? A I don't remember.

Q You don't know either how I got older your father was than you?

A No, I don't know.

Q What is your age? A I will be 60 in May.

Q Then you were born in '42? A Yes sir, '42 according to the

record.

Q Was your father as much as 25 years old when you were born?

A I couldn't say.

Q That was your best judgment? A I suppose he was 20 or 25

years old. My understanding he married young.

Q Can't you give any better idea than 4 or 5 years of your father's

age? A I say 25.

Q Your father was born say, 25 from 42 would have made him be born

in 1817; now had your father any older brothers or sisters? A I

think Jack Davison was the oldest of the family, no, Betty, the girl,

was the oldest and Jack next, and then my father as well as I

remember about it.

Q There were two girls older? A No, one of the girls I never saw.

Q Then you think there are only 2 older than your father? A Yes,

that's my understanding of the family.

Q Dr. Baker gives his age 73 in '28, which would make him be born

in '55, now it states that when he was 15 or 16 years old, which

added to 1808, will make 1824, that your grandfather Anna Pratti was

a school girl; whereas from your testimony and that of the family

history introduced here shows that your grandfather Anna Pratti

was the father of seven children, the youngest being born in 1827,

how do you reconcile that? A I don't remember about the date out

of Dr. Baker; I don't know what he made such statement as that,

I don't remember about it.

Q And if he says you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the members of the Court that admitted

you? A No sir, I was not acquainted with them.

Q You know whether they were old or young men? A They were all

men like Steve Jones, I got acquainted with Mr. Achreverts, and

to Mr. Simpson, at the Council, you know I was there a good while.

Q What was the fellow that was on the court? A Yes sir.

Q He was afterwards assistant chief of the Cherokee Nation?

A I think so.

Q Bryan Tabor, that's the one you had reference to? A Yes sir, I think it was, I just knew the fact I had no acquaintance with him at all.

Q D. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when he was admitted.

Q Don't you know he did? A I think he did, as well as I remember.

Q Were not you ever there to his room? A I think I was.

Q You remember when it was that you brought Dr. Baker down there to make a statement before the court? A It was in January, 1883, was in January Term of 1883 I believe, it was, as well as I remember about it.

Q Well you didn't take any more testimony after Dr. Baker testified? A No sir, I didn't.

Q But your case was not admitted or passed upon for a case? A I think it was, yes sir, as well as I remember.

Q I would like to ask you when the Glassingame family came to the Cherokee Nation? A Alex Glassingame came with us when we moved here, and went back and got his family and loved that fall.

Q Did he move his family here that same fall? A Yes sir.

Q That year, is that? A In the fall of '83 I believe it was, as well as I remember now.

Q When did the Sulaska family come? A I think the girl and the old lady came in the next spring.

Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her husband come back.

Q Did she come back until after her marriage? A No, she was married when she come first.

Q The last time? A She was married I think, she was married when she come out.

Q How long has August Sulaska been a permanent and continuous resident of the Cherokee Nation? A I think he come there in the fall of 1884 or 1885, I would say which.

Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.

Q When was that? A '83.

Q How long has Martin B. Patterson? A Ever since he married his wife, and he was living here before he married his wife.

Q Who is Arizona Alrey? A That is my daughter.

Q Did you bring her with you? A No not when I moved.

Q When did she come? A She come out in a year or two after I moved here.

Q Was she married when you moved here? A No sir, she was not married.

Q She was not married when you were admitted? A No sir, she was not married.

Q When did she come to this country? A With his grandfather, James Brown.

Q What was his mother's name? A Rebecca Brown.

Q You don't know her name? A No sir.

Q Don't know by all he was in this? A No sir.

Q Was he married? A I think he was.

Q When was he married? A I think he was.

Q Was he married? A I think he was.

Q Was he married? A I think he was.

Q When did they come to this country? A Right away after they was admitted.

Q In what year? A I think the winter of '84, I think at usual spring or winter of '84.

Q You know Sidom Brown? A Yes sir.

Q The father of the boy? A Minchum Brown, formerly Missouri and Brown.

Q Did you know him before he came to this country? A Yes from Texas.

Q Did you know that he was? A I know the girl.

Q You never knew the child they came to this country? A I never knew her.

Q When did you see him here? A I think they came here in the fall or winter of 1884 or '85.

Q He was married then? A I think he was.

Q Brought his wife? A I think he was, I don't know.

Q Did he have any children when you first saw him? A He come to my house and I never saw his family for-I don't know, for several years.

Q You understood he had a family? A Yes sir.

BY MR. MCKENNON:

Q Did you mean to say '84 or '84? A '84.

Q Did you see Sid Graham in '84? A '84, let me study, may '85.

BY MR. MCKENNON:

Q Did you see him in '85, are you positive on that proposition?

A I think so.

Q Will you swear to it? A No sir, I won't positive about it, but I think it was, or I remember on it was; I couldn't say positive.

Q All the people Mr. Brown that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenized by courts of required jurisdiction, enjoyed all same privileges that you have mentioned here about going to jail or not being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Yes is the question again.

Q I say all people who were admitted here by courts of competent jurisdiction, will they work de-citizenized by courts of like jurisdiction, enjoyed the same privilege as that you said? A So far as I know they will.

Q They all drew money and all kind of the courts as law as we are judicial courts, was they not? A Yes sir, so far as I know.

Q There was no money or thing wanted to you in preference to anybody else? A Yes but recognized citizens of the United States.

Q Will you say that you recognized them when you were admitted? A Yes.

Q I suppose the same as citizens of white race, correct?

Q Will you say that you recognized them about it? A No, I can't say.

Q You will say that you were there when you were admitted?

Q I was admitted in the year 1884, I was admitted with him, same time.

Q I was admitted in the year 1884, I was admitted with him, same time.

Q I was admitted in the year 1884, I was admitted with him, same time.

Q I was admitted in the year 1884, I was admitted with him, same time.

Q I was admitted in the year 1884, I was admitted with him, same time.

- Q What? A Yes sir, Joel Dawson.  
Q Well is that all he did for you? A I don't remember about it.  
Q Why didn't you get your attorney to do that letter writing? A There was not any there.  
Q Taylor nor Benge was not there then? A No sir.  
Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.  
Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did; right have been 2 years. I don't remember.  
Q Where was Duncan living then? A I couldn't say where.  
Q Was he still clerk of this Court? A No sir, not when that money was paid; that is, when Camp Taylor said he paid it.  
Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.  
Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.  
Q How much did you give him? A One hundred dollars.  
Q When? A Right at that time; he claimed it from me as soon as he got our papers; he came into me and claimed it for Bryant.  
Q You never sent him any then after that? A No sir.  
Q Did you ever see Bryant after that? A Yes sir.  
Q How long after that? A I don't know, a year or two afterwards. A year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until he moved out to this country.  
Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. MCKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. MCKENNON:

- Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.  
Q Are you positive of that fact? A Yes sir.  
Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?  
Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?  
Q You do not know that to you? A I don't know that they are any kin to me.  
Q You don't know that they are related to you at all? A No sir.  
Q This Roger Dawson one, do you know any members of that family?  
A No sir, I don't.  
Q Don't know who they are? A No sir.  
Q The Sabodes Dawson case? A I don't know her either.  
Q You don't know whether they are related to you or not? A No sir.  
Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.



Q Joanne Barber, do you know anything about them? A They claim to be kin to us.

Q Where are they from? A They are from Tampa.

Q Do you know they are related to you? A They claim to be kin.

BY MR. HASTINGS:

Q Well you swore for them before the Commission? A Yes, they claim to be kinfolk to me.

BY MR. HASTINGS:

Q Irene J. Barber, who is that? A That is a cousin of mine; claims to be.

BY MR. HASTINGS:

Q You testified for her didn't you before the Commission? A I think I did as well as I remember.

BY MR. HASTINGS:

Q Before the Court that admitted Joann Barber and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.

Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.

Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You don't remember their names? A Right.

Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about Mr. and Mrs. Barber was citizens of the Cherokee Nation.

Q You only proved that Mr. Dawson was a brother of Robert Barber before the Court? A Yes sir.

Q And that referred back to the decision of the Court before? A We proved that they were citizens, and had no other folks before me ever come here.

Q How he older than Dr. Baker? A About the same age.

Q Why didn't you get Oliver Miller's testimony in the House case?

Q He was dead.

Q You and no member of your family in the Irons House case or the Joann Barber case or any of those cases that were tried before the House Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Mr. Dawson's case in '84 did you?

A I don't remember about that.

Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.

Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.

BY MR. HASTINGS:

Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the Joann Barber family, are lost or missing, are they not? A I suppose they are, I don't know, I never saw them.

Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

This case is continued until 8:30 a.m., to-  
morrow, March 20th, 1962, it now being the hour for

3:30 p.m. JAMES DAWSON (sits on the stand)

Q These are your brother Mr. Dawson relatives? A In the case.



- Q What County? A Carroll.
- Q What town? A Berryville.
- Q Did Dr. Baker live at Berryville? A Yes sir.
- Q Was your brother intimately acquainted with him for any years?
- A Yes sir.
- Q Did he have the sufficient to be acquainted with his character and habits of life? A Yes sir.
- Q Do you know Josephine Pierce? A Yes sir.
- Q Where did she live? A Robert Dawson's.
- Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
- Q Is there any other Josie Pierce or Josie Dawson or Josie Marie Pierce or Josephine Dawson? A I don't know, but the one.
- Q She was also called Josephine or Josie Kelly? A Yes, after she married her first husband was Pierce.
- Q And her second husband? A Was Kelly.
- Q There was another Josephine Dawson wasn't there, Bulack's wife?
- A Yes they called her Joe, I suppose that's her name, I could not be positive; that was Rita Dawson's daughter, August Bulack's wife.
- Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

- Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
- Q You know how old you are? A 42.
- Q 42? A I think so.
- Q How many older children were there of your father and mother than yourself? A Three.
- Q Which were they? A E. Dawson, Wiley Dawson and Jasper Dawson.
- Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
- Q There were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
- Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
- Q Don't know what year he came to Arkansas? A Only from statement.
- Q Well what did they say about it? A I think they come there sometime in '30.
- Q You know whether your father was born in Arkansas? No many of your grandfather's children were born there? A There are none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
- Q He came there in '30, and all the other children were born on the Kansas River in Tennessee, before he ever came? A That is what I think, yes sir. No I am not positive about that.
- Q They were from Tennessee, but either Dr. Baker lived there or your father came from there; I don't know as I remember that I ever heard your father say where he was born at.
- Q In Tennessee somewhere; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
- Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
- Q Don't know the time that comes in between you? A No I don't know what I think it is about two years though.
- Q Ever heard of the E. Dawson about eight years older than you, brother? A Yes sir.

BY MR. McKENNON:

- Q Did Josephine Pierce have a daughter who married Mr. Bogle?  
A Yes sir.  
Q What was her name? A I always known her by Dede Pierce; I don't know whether that is her right name or not.  
Q What is Bogle's name? A John Bogle.  
Q She is the child of Josephine Pierce who married John Bogle?  
A Yes sir.

BY MR. HASTINGS:

- Q Where did she marry John Bogle? A Near Afton.  
Q When? A I couldn't state.  
Q About when? A You have got a copy of the marriage license.  
Q When did Josephine Pierce come to the Cherokee Nation? A '83.  
Q Has she lived here continuously since that time? A Up until her death; she is dead.  
Q Any of her children come with her at that time? A Yes sir.  
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

- Q Your name is J. C. Starr is it? A Yes sir.  
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)  
A Yes sir.  
Q Where? A At the residence of S. H. Benge near Fort Gibson.  
Q When? A On the 15th day of this month.  
Q What day of the week was that? A On Saturday.  
Q Is that the day it was taken? A Yes sir.  
Q Did you go there on Saturday to take this? A Yes sir.  
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?  
A It was taken Saturday, the 15th.  
Q Was he mistaken or not? A It was not taken then.  
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?  
A I think not, because I was there, and it was taken on the 15th.  
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.  
Q Then of course his statement could not be correct? A I guess not.  
BY MR. HASTINGS:  
Q He was just mistaken about the date, wasn't he? A Yes sir.  
BY MR. McKENNON:  
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.  
BY MR. HASTINGS:  
Q I sent you there last Saturday? A Yes sir.  
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

- Q What is your name? A My name is Robert L. Dawson.  
Q What is your age? A My age is something close to 30 years old, I am 29 past.

Q Are you a son of E. Dawson, commonly known as Dick Dawson?

A Yes sir.

Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and he looking over them I saw this letter.

Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.

Q Well that's what it is, you can tell whether it is or not.

(Witness further examines letter) Q That purports to be a letter from Samuel H. Bengé, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. MCKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Bengé, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 17.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Bengé is living and has testified in this case, and his handwriting should be either proven or denied by his self.

G. W. BENGÉ, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Bengé.

Q Are you a son of Samuel H. Bengé? A Yes sir.

Q Do you know his handwriting? A I believe so.

Q Is that his handwriting? (Shows witness letter

before referred to.) A Yes sir, it is either his or a resemblance of his.

Q To the best of your knowledge and belief is that his letter?

A Yes sir.

BY MR. MCKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

Fort Gibson, C. N.,  
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, as you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,

S. H. Bengé,

Attorney at Law."

Enclosed in envelope, as follows:

Card in upper corner, left hand:

"Return in ten days to C. H. Taylor,

Attorney at Law,

Tahlequah, Ind. Ter."

Addressed: "Mr. E. Dawson,

Henryetta,  
Clay Co., Texas.

Post-marked: "Tahlequah, Jan 13 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. MCKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Along the same that you found the Benge letter? A Yes sir.

BY MR. MCKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Cheuteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorney.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Cheuteau Station, Cherokee Nation.  
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him \$20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, so that you was to pay him \$100- and that you had offered him a check in some bank in Texas.

That \$100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the correct work I done for you. Please write to me.

Very respectfully,

Very truly,

J. M. Bryan.

Q I will ask you if you know of your father having paid Bryan any money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A He, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked his age; of course I guess by looking at him.

Q Never had occasion to talk about his age at all? A Oh I have heard his age mentioned at different times, but then I never said much about it.

The witness being first duly sworn and being examined as follows:

BY MR. MCKENNON:

Q That is your name? A Old Green.

- Q How old are you? A Mr. Graham? A I am 35 years old.
- Q How long have you been living in the Territory? A I came out here in 1887 or '88.
- Q To the Cherokee Nation? A Yes sir.
- Q How long have you been living in the Cherokee Nation, what year was that '87 or '88? A Yes sir.
- Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
- Q How long did you live in the Cherokee Nation? A About 6 years.
- Q Where did you go then? A Wagoner.
- Q In the Creek Nation? A Yes sir.
- Q And been residing there ever since? A Yes sir.
- Q In business? A Yes sir.
- Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
- Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
- Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
- Q Taking the census of the Cherokees? A Yes sir.
- Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
- Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
- Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

- Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
- Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
- Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
- Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
- Q Your mother was Missouri Dawson was not she? A Yes sir.
- Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
- Q And was not Missouri Dawson as named in that judgment? A Yes sir.
- Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
- Q Ella Dawson was your aunt? A Yes sir.
- Q Was she married at that time? In 1883? A Yes sir.
- Q Malvina Dawson, was she married at that time? A Yes sir.
- Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.



- Q Can you give us the exact date of your birth? A Yes sir.  
Q Do so, please? A January 21, 1887.  
Q And you came to the Territory when? A In 1887 or 1888.  
Q You can't rate that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.  
Q Well I just want to know whether you did have or not? A No sir.  
Q When were you married? A 1886.  
Q You were married prior to coming here? A Yes sir.  
Q Your first child born away from here? A Yes sir.  
Q What is its name? A John W.  
Q '86 you were married, and he was born about the spring of '87?  
A Somewhere in 1887, I don't remember.  
Q Prior to your coming here? A Yes sir.  
Q That is the only child you had that was born away from here?  
A No sir, Julius.  
Q Julius was not born in the Territory? A No sir.  
Q And prior to the time of your removing to the Territory? A Yes sir.  
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

- Q Do you know Campbell Taylor? A Yes sir.  
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of that question, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.  
Q You never had met him before, or had any communication with him?  
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

- Q You knew he was the attorney in the case, originally? A After looking at the records I did.  
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.  
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see us were all cut off the rolls.  
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:

Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.

Q You went to Captain Benge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.

Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.

Q And you went with Aaron Butler to see Jim Smith, Attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.

Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.

BY MR. MCKENNON:

Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. MCKENNON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be exact as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.

Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. HUTCHINGS:

Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.

Q Who was W. A. DeWalt? A That is Wilburn, my uncle.

Q Was he here? A I don't know sir.

Q You were not here any of the time? A No sir.

Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.

Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?

Q After his application to citizenship? A No sir, he didn't die I think until about '84, several years after.

Q Was he the same as that? A Yes sir.

Q About what age? A He was approximately 50 years old.

BY MR. HUTCHINGS:

Q Was he about? A Yes sir.

BY MR. HASTINGS:

Q That about 1884? A I think so, yes sir.

BY MR. MCKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q Your name is James R. Dawson? A Yes sir.

Q Where do you live? A Afton, Indian Territory.

Q What is your age? A 45.

Q You are a physician are you not? A Yes sir.

Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.

Q Do you know what his age was at that time? A No sir, I do not, only approximately.

Q State as nearly as you can? A At the time of the admission?

Q Yes sir? A About 70, I don't know exactly.

Q How old was he when he died? A I would suppose he was about 78.

Q What was your age in 1884? A I am 45.

Q What year were you born, Doctor? A I was born in '45.

Q That would have been '45? A Yes sir, that's right.

Q That was your age then? A In '84?

Q Yes sir? A About 38.

Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was on.

Q You were present during your father's case? A I was there at the time.

Q When was that? A The date I cannot say when the case first came up, I don't know the exact date.

Q How long were you there? A I was there about a week.

Q Was that when it first came up you say? A Yes sir.

Q Nothing was done? A No sir.

BY MR. HUTCHINGS:

Q You never saw Dr. Baker? A Yes sir.

Q Did he and your uncle Jim go to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?

Q Yes? A I never saw them together.

Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.

Q Dr. Baker would have had interest about his own age? A Growing, that's all I know about his age.

Q The Doctor had been employed, rather a general looking man at his time in the army, at this citizenship business? A No sir, not at all, I don't know about it.

Q He was a general looking man? A I couldn't tell you, he was an old looking man.

Q Your uncle Jim was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

V. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HASTINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tallapoosa, page 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you mentioned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I surmised him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was but upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all these facts out of him, as very nearly all these facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a good many other people, some of whom I don't know, because they didn't know what I desired they did know about the case.



With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. V. Shoemaker case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemaker case and I sent him over there then to take that affidavit, and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemaker case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave me any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.

Q He therefore did it simply upon your persuasion? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

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.



*[Faint, illegible text, possibly a header or title]*

*[Handwritten signature]*  
1870/1881



Rexanna Woolley, et al.,	Cherokee D	408
Henry T. Richardson, et al.,	"	718
Etta Brewer,	"	12
Melissa A. Duvach,	"	15
Alonso M. Finsback, et al.,	"	343
Hiram F. Fodda, et al.,	"	821
William S. Douthitt,	"	922
Florence Morgan, et al.,	"	737
John E. Finsback,	"	845
George A. Mabry, et al.,	"	978

D E C I S I O N .

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 524 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob L., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 2, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William R. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew C. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his minor children, Arthur, Vera E., Edward C. and George J. P. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 585 By Francis M. Dawson, Jr., son of Francis M. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.

- D 354 By Francis A. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.
- D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.
- D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.
- D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.
- D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.
- D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Wannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.
- D 402 By Charles A. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.
- D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Samuel H., Rosa B., Charles B., Mattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.
- D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marice J. Dawson as citizens by blood.
- D 330 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 21, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.
- D 492 By Robert Pierce, at Vinita, Indian Territory, on September



24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471

D 472 By John B. Gray, at Vinita, Indian Territory, on September 23, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1902, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R. and Claud Pogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 324 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, Nora, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 10, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.



- D 828 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Anoll F. Dawson, a fourth child of the applicant.
- D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.
- D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.
- D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.
- D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Eiger D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.
- D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 10, 1902.
- D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.
- D 606 By Elbert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph A. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Emma V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 18, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Grace E. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverne A. and his five minor children Ada R., Eva P., John W., Roy D., and Robert A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D1124 By Charles F. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Martha and Clara Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.

D1126 By Geo. E. [unclear], at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William G. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willis Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddle and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Ocie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William G. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 839 By James Love, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Ielma, Roberta and Reed Love as citizens by blood.

- D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.
- D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.
- D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper O. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.
- R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.
- R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.
- D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.
- D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.
- D 343 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.
- D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Glide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.



D 843 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 878 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children Ruby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. H. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Stonewall Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. H. Dawson is identified on the Cherokee pay rolls of 1883 and 1884, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1888 and 1884, James Dawson on the pay rolls of 1883 and 1884, Rial Dawson on the pay rolls of 1888 and 1884, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1885, Joseph Dawson and John Dawson on the pay rolls of 1883, 1884 and 1884, Ella Dawson on the



Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 524, D 530, D 531, D 534, D 538 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Alfred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the strip pay-roll roll of 1894, and William R. Dawson and Arizona Alfred are identified on the Cherokee Census roll of 1896.

James C. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 23, 1881, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and heretofore raised and the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Len Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1888 (50 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."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 353, D 355, D 422 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1868. The Cherokee Supreme Court in the case of Cherokee Nation vs. Nanoy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Rilawaky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Rilawaky, was married under a Cherokee marriage license and is accordance with the laws of the Cherokee Nation on May 22, 1892, to the said Josephine Dawson. He has lived with his said wife since they were married and the children included on his application, and marriage license record, are the issue of that marriage. The

Four other children are identified on the Cherokee Census roll of 1890, and the state census roll of 1894. May Salawsky is identified on the Cherokee Census roll of 1890, and Oscar Salawsky is identified by a birth affidavit on file with this Commission.

Hannie Dawson, nee Baugher, was married to the said John V. Dawson on September 8, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John V. Dawson, and Katie Newman have resided in the Cherokee Nation since 1838, August Salawsky and his wife Josephine, since 1892, and Sarah F. and Hannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the case of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Burton held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1890. The two younger children are identified by birth affidavits on file with this Commission.

William B. Brown and John H. Brown are the children of said John Dawson. They were citizens at the date of their admission to the Cherokee Nation, and they are both identified on the Cherokee



Census roll of 1890.

Thomas F. Dawson was married on April 24, 1882, to Allen A. Allison, and Marie J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 23, 1889, to Willie York, and Rurr H. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas F. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 478 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles F. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (nee Effie Axin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1890.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1884. She has lived with her said husband since they were married, and Lyrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1890, and her two children are identified by birth affidavits on file with this Commission.



Oma Gray was married to John B. Gray on April 7, 1898, and Ossie and Volton Gray are the issue of that marriage. Oma Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1892.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Oma Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases number D 364, D 475 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1888, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Elic Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1887 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Nellie Dawson as those claiming through her and Johnson case numbered 3 318.

The evidence shows that Nellie Harts, formerly Dawson, is identified as the Nellie Dawson admitted to citizenship in the Cherokee

Native as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 831, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1898, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Jan Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with the said Elbert L. Blasingame since they were married and the five younger children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claimants through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spiekerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip Payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spiekerman is also identified on the Strip Payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zena Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1898, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Helen J. and William Allen are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that George S. Spickerman, of Spickerman, at the time of his father's admission to citizenship,



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1889 in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis W. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 498), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1886, to the said Missouri Dawson. He had been formerly married to her in the state of Texas in 1886, and has lived with her since that time. Tompa V. and Robert B. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee census roll of 1886.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert P. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1886, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1880, and had lived with her since that time. George V. and Robert L. Dawson are the issue of the aforesaid marriage. John W. Graham, her husband, was admitted as a citizen of the Cherokee Nation in 1886.

Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 9, 1898. William G. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 9, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverne A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group I, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 328, D 474, D 506, D 529 and D 537.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 21, 1887 to the said Ella Dawson. The said marriage license is on file in the Cherokee Nation and the said Ella Dawson was admitted to citizenship on March 21, 1887.

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Teahie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Danson, now Ella Jackson. Flora Harmon, Teahie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, Jr. in New Scotland. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is a witness that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the Cherokee National authorities at said Nation, as by the Commission.

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321). It further appears that the said James Lowe was married on June 12, 1887, to Nellie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.



The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Wilburn K. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1896, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Malie F. Richardson is the child of the applicant by his first wife, Sellar. John W. Richardson and Jasper C. Richardson are children by his first wife, Sellar, Malie, Alice, Laura, Carter, Claude and Mary Flournoy are children of the said wife Kitty in a second marriage.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1898 and was living at the date of this application. Della F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 26, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Vealley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the following applicants: Eliza J. ...  
...  
...  
...  
...

ations are related to the above named Dargons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 15, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 15, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William B. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 15, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1893, to Laverna A. Dargson. He had been previously married to the same wife in Texas in 1877, and has lived with her ever since. It appears that Laverna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1899.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Pitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1894 with the said Pitty Richardson as a member of her family. Child and other information as to her husband. The said Pitty Richardson

identified by birth affidavits on file with this Commission.

John R. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John R. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission as to the citizenship of Robert Durrell and his family was obtained by fraud on the part of said Durrell.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that G. H. Taylor would look after Dawson's interests as Mr. Bryan.



would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel K. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1885, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Toah Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it would be all right." Next morning witness says Dawson told him to contact the State, which he did. This being the case witness

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. H. Deuge, C. H. Taylor, Thomas L. Debeart, J. L. Clinkenbeard, James W. Lewis, C. G. Draught and David Meredith.

S. H. Deuge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1881 and the first order being entered under authority of a former Commission and by a different clerk, and there is no evidence of transfer on that page. The record is a single page for a Court of claims, its judgment, and the fact that it is a Court of claims, is not in dispute.

Thomas B. Babart testified that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Taklequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Taklequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 65 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker collected money for giving his testi-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Beuge stated that Tom Rogers was a witness, Duncan is under that impression, also, and T. P. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McKennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Braught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1886, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Teesee Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of how the case cost him and his brother in a legitimate way. The Commission can not be indulged that such money was used for fraudulent purposes and the great to the country must be very clear.

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Such evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there are



fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teehee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1863, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1863; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1863, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M.

Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Rattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas F. Dawson, Maries J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ed. Gray, David Gray, William Gray, Marie Anna Gray

- Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna W. Bogle,  
John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,  
(Group V) Joseph R. Dawson, Clarence E. Dawson, Council T. Dawson,  
Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilbora Dawson,  
Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Bernice C.  
Dawson, Edwin C. Dawson, Ancil F. Dawson,  
(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora  
Moore, James W. Moore, Edna E. Moore,  
(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Albert L.  
Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander  
Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,  
(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson,  
Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson,  
Virgil V. Patterson, William C. Dawson, Robert L. Dawson,  
Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E.  
Dawson, Ella L. Spickerman, Hellen J. Spickerman, William  
Glenn Spickerman,  
(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham,  
Gideon Graham, John W. Graham, Julius E. Graham, Francis W.  
Graham, Mary E. Graham, Jesse E. Graham, Gracie H. Graham,  
Florence M. Graham, Laverna A. Painter, Ada R. Painter, Joe P.  
Painter, John W. Painter, Ray D. Painter, Roberta A. Painter,  
Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Elmer  
Bradshaw, Joe E. Graham, William C. Graham, John F. Graham,  
Edna K. Graham, Robert Lee Graham, Joe Willis Deal, James H.  
Graham, Harlan Graham, Maggie Graham, Luther Graham, Elmer  
Graham.

Twight Harmon, William D. Harmon, Tostie A. Jackson, Fannie  
Lenox, Lirtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,  
Fitty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flour-  
noy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna  
Flournoy, Finis T. Richardson, Jasper C. Richardson, Della F.  
Richardson, Etta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle,  
Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A.  
Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan,  
Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and  
Charley Mabry,

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, 1908 (30 Stats., 495), and that

(Group I) Mattie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Dulavsky,  
Jannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson,  
nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Faister,  
Charles T. Bradshaw, Bessie Graham,

(Group X) James H. Kerans, William C. Kerans,

(Group XI) Willie F. Kerans, Waddy T. Kerans, William A. Kerans,

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis H. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 358) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Lizzie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

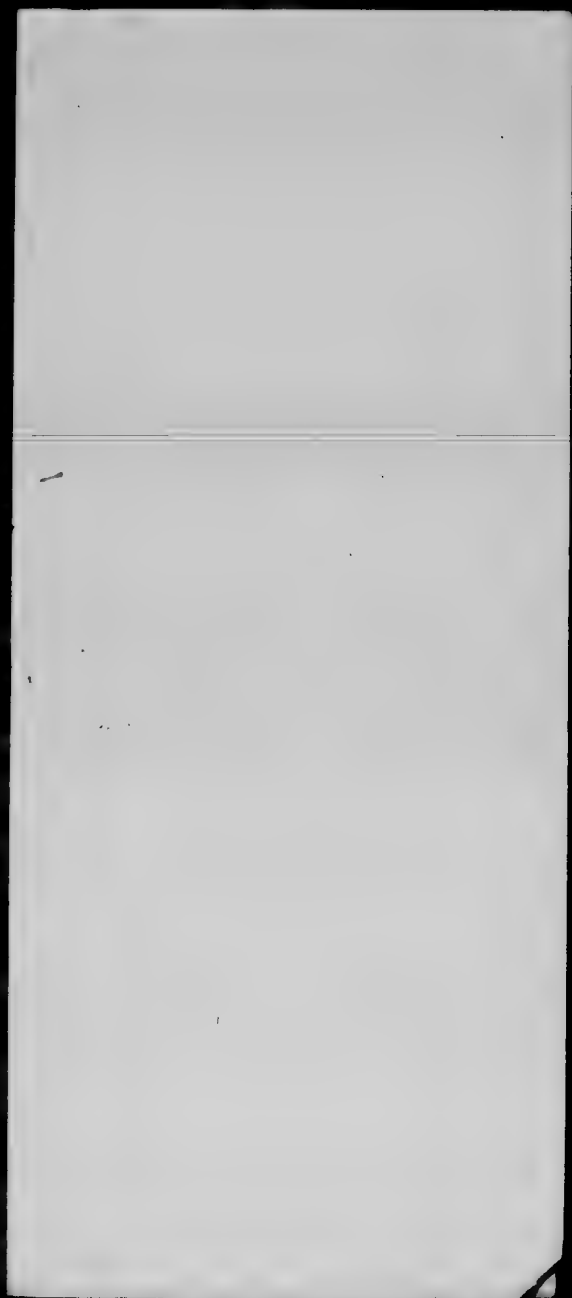
It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TALS SNEY,  
Acting Chairman.

(Signed) T. J. HARRIS,  
Commissioner.





COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDLES  
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 1st, 1902

Gideon Graham,

Wagoner, 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 the~~

**17th** 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 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.

**The Commission requires that certificate of admission be  
supplied.**

Cherokee D-35  
Register.

Yours truly,

Acting Chairman.

COPY.

Cherokee D-384

Muskogee, Indian Territory, January 24, 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 December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. P. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Mattie De man, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James T. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Errie Skin, Nancy J. Coale, James E. Bogle, Edna M. Bogle, John H. Bogle, Martin E. Bogle.

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Pora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert T. Dawson, Elbert L. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jessb E. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John T. Painter, Ray D. Painter, Roberts A. Painter, Roy T. Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie H. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lench, Birtie E. Harmon, Myrtle Lench, Yvonne Woolley, Irene T. Woolley, Wilburn E. Woolley,

Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Dixon, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham.



-4-

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,

(Signed) LEO RICHY

Acting Chairman.

Enc. M-130.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

W. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles C. Dawson, Hattie J. Dawson, Jennings H. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orlis H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Walton Gray, Effie Abia, Nancy J. Bogle, James E. Bogle, Edna W. Bogle, John H. Bogle, Harvin R. Bogle, Claude Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph H. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Helton J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John T. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Teakie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Fannona Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Osear Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Mammie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis H. Dawson, Ocie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Selma Lowe, Roberta Lowe and Russ Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddle Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

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 both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be 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.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior.

Respectfully,

(Signed) TAMS BIRBY,

Acting Chairman.

Enc. M-45.

Register.



COPY.

Cherokee II-324.

Muskogee, Indian Territory, February 25, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Seaman, John Dawson, Robert B. Dawson, Iola M. Dawson, Samuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Walton Gray, Myrie Akin, Nancy J. Dogie, James E. Dogie, Edna J. Dogie, John M. Dogie, Marvin E. Dogie,

Claud Bogle, Nancy Edith Bogle, Joseph P. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus F. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dassen, Edwin C. Dawson, Ancil E. Dawson, Mollie Moore, Vera Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse I. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Jeal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie E. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Teshie A. Jackson, Fausde Leoux, Birtie E. Leoux, Myrtle Leoux, Tamasa Woolley, Irene V. Woolley, Wilburn E. Woolley,

Zittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Dennis T. Richardson, Jasper C. Richardson, Della F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Fatie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Iulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Dessie Graham, James H. Farmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham.

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) T. M. BIXBY,

Chairman.

Enc. N-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, 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 matter of the application of Francis H. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

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

Respectfully,  
(Signed) TAMES BERRY,  
Chairman.



COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McFennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, 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 DIXBY,

Chairman.

COPY

Cherokee D-35.

Muskogee, Indian Territory, February 25, 1903.

Gideon Graham,

Wagoner, I. T.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself and your seven minor children, John W., Julius E., Francis W., Mary E., Jesse E., Grace M. and Florence M. Graham, as citizens by blood, and for the enrollment of your wife, Elizabeth Graham, as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, 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 both your attorney and the principal 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,

W. B. B. B.

W. B. B. B.

COPY.

Refer in reply to  
the following:  
LAND  
1888-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, October 16, 1903.

CHEROKEE ENROLLMENT,

Francis M. Dawson, et al.,

GROUP IX.

The Honorable,

the Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting Group 1 of this consolidated case, there is enclosed herewith the record relative to the parties applicants to Group IX. of the Francis M. Dawson, et al. case.--

D. 23, Group IX, page 1.

John W. Graham applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Missouri Graham, and their minor children, Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation.

D. 23, Group IX, page 3.

Gideon Graham applies for the enrollment of himself and his minor children, John W., Julia C., Francis W., Mary E., George H., Gracie H., and Florence H. Graham, as citizens by blood, and for the

enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage.

D, 836, Group IX, page 11.

Matthew K. Painter, applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Laverna, A., and their children, Ada E., Eva P., John V., Ray D., Robert A., and Roy V. Painter, as citizens by blood. Roy V. was born after the date of his father's original application and is identified by birth certificate.

D, 1124, Group IX, page 21.

Charles T. Bradshaw applies for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence P., and their minor children, Myrtle and Claude Bradshaw, as citizens by blood.

D, 1125, Group IX, page 26.

Joe E. Graham applies for the enrollment of himself and his minor child, William C. Graham, as citizens by blood.

D, 1126, Group IX, Page 21.

John F. Graham applies for the enrollment of himself and his minor children, Mina W. and Robert Lee Graham, as citizens by blood. Robert Lee Graham was born subsequent to the date of his father's original application, and he is identified by a birth affidavit.

D. 1127, Group IX, Page 26-1/2.

James Neal applies for the enrollment of his wife, Joe Willie Neal, as a citizen by blood.

D. 1128, Group IX, page 28.

James M. Graham applies for the enrollment of himself and his children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as an intermarried citizen. Floyd Graham was born after the original application and is identified by a birth affidavit.

-----  
The Commission in its decision of December 23, 1902, held that all the applicants above named, except Liddie and Margaret Graham, who died prior to September 1, 1902, were entitled to enrollment---- John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, as citizens by intermarriage, and the others as citizens by blood.

John W. Graham, (Group IX, page 1), February 12, 1888, married Missouri Dawson, who was admitted to citizenship by the Spears Commission or Court, September 9, 1884. This Court was composed of H. B. Spears, John Lee, Andrew Young, John L. Adair was clerk pro tem of the Court. The marriage of February 12, 1888, was performed in accordance with the laws of the Cherokee Nation. John W. Graham and his wife, Missouri, were first married in 1866, in accordance with the laws of the State of Texas. John W. Graham and his wife have lived



in the Cherokee Nation since 1888. His name, the name of his wife and the names of his two children appear on the 1896 Cherokee census roll.

Gideon Graham, (Group IX, page 8), is the son of John V. and Missouri Graham, and was a minor when his mother was admitted to citizenship in the Cherokee Nation. He was married to Elizabeth Graham nee Bydow in accordance with the laws of the State of Texas, October 10, 1886. Gideon Graham, his wife and all of their minor children, except Florence N., are identified by the 1896 census roll. Gideon Graham and his family appear to have lived in the Cherokee Nation since 1888. Gideon Graham is identified by the 1894 roll.

Matthew A. Painter, (Group 9, page 11), was married to Laverne A. Painter nee Graham, under the Cherokee law, August 19, 1888. It seems that these parties were first married, September 22, 1887, but not in accordance with the laws of the Cherokee Nation. Laverne A. Painter is the daughter of John V. and Missouri Graham. She was a minor when her mother was admitted to citizenship. Matthew A. Painter, his wife and minor children, except Ray D. Robert A. and Roy P., are identified by the 1896 roll. From the record it appears that the principal applicant and his family have lived in the Cherokee Nation since 1888.

Charles T. Bradshaw, (Group IX., page 21), was married to Florence Bradshaw nee Graham in accordance with the laws of the Cherokee Nation, March 24, 1894. Florence Bradshaw is a daughter of John V. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, under the name of Dawson. From the record

it does not appear that the name of Charles T. Bradshaw is found on any of the rolls of the Cherokee Nation. Florence Graham is identified by the 1894 census roll. Florence Bradshaw and her family appear to have resided in the Cherokee Nation since 1888.

John F. Graham, (Group IX, page 35), is the son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, and the principal applicant was a minor when his mother was admitted. He was married to Mattie Lawson, February 11, 1900. Mattie Lawson is a non citizen. His name appears on the 1894 pay-roll, but does not appear on the 1896 roll.

James Neal, (Group IX, page 36-1/2), is a recognized citizen of the Cherokee Nation by blood and is enrolled as such. He was married to Joe Willie Neal nee Graham, a daughter of Missouri Graham, who was admitted to citizenship September 9, 1884, under the name of Dawson. The name of Joe Willie Neal is found on the 1894 pay-roll as is also the name of her husband. She was a minor when her mother was admitted to citizenship, and she has lived in the Cherokee Nation since 1888.

James M. Graham, (Group IX, page 38), is a son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship in the Cherokee Nation, September 9, 1884. November 2, 1902, James M. Graham was married to Bessie Willis, in accordance with the laws of the Cherokee Nation. The name of James M. Graham is found on the 1894 pay-roll. Marion Graham is also identified by that roll. The

-4-

other minor children are properly identified by birth affidavits.

In connection with this Group, attention is respectfully invited to office report of even date transmitting Group 1, and for the reasons therein stated the approval of the Commission's decision is recommended, except as to John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, who apply for enrollment as intermarried citizens.

As hereinbefore stated, the record shows that Liddie and Margaret Graham died before September 1, 1902.

Attention is also invited to Department letter of June 18, 1903, (I.T.D. 3386), in the Martha Hill case.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

C.A.W.-I.C.

COPY.

D C 10819-1904.  
I.T.D. 7442-1903.  
7444- "

J.W.N.

J.P.

THE

L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 21, 1904.

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

Gentlemen:

February 28, 1903, you transmitted the record in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, with your decision of December 23, 1902, in which you disposed of these applications by groups, including Group II, which will be considered herein, the applications of those persons who claim enrollment through Missouri Graham, formerly Dawson, who was admitted to Cherokee citizenship, September 9, 1884, by decree of the Cherokee Commission on Citizenship, of which Eli Spears was President.

Said decree recites that Missouri Dawson (now Graham) and others, "are Cherokees by blood and that by virtue thereof they are justly entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation, and that they should be and are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees."

Title D. 23 refers to the application of John W. Graham, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, the said Missouri Graham, nee Dawson, and his minor children Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation. Missouri ~~Graham~~ nee Dawson, has resided in the Cherokee Nation since 1888. She and her children, whose names appear above, are identified on the Cherokee census roll of 1896. Her name also appears upon the 1894 roll. On February 12, 1888, she was married to the said John W. Graham. A former marriage was entered into by them under the laws of Texas, in 1866.

Title D/ 35 refers to the application of Gideon Graham for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, as citizens by blood, and for the enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage, of said nation. Gideon Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1896 census roll and has resided in the Cherokee Nation since 1888. On October 10, 1886, he married Elizabeth Graham, nee Sydow, and the children named above are the issue of that marriage. Elizabeth Graham, and the six older children are identified on the census roll of 1896. The youngest child is identified by a birth affidavit.

Title D. 836 refers to the application of Matthew A. Painter for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, ~~Laverne~~ Laverne A. Painter,



and his minor children, Ada R., Eva P., John W., Ray D., Roberta A. and Roy V. Painter, as citizens by blood of said nation. Laverna A. Painter is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified on the 1896 census roll and has resided in the nation since her marriage to said Matthew A. Painter, in 1888. He and their three older children are also identified on the census roll of 1896. The three younger children are identified by birth affidavits.

Title D. 1124 refers to the application of Charles T. Bradshaw for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Florence P. Bradshaw and his minor children, Myrtle and Claude Bradshaw, as citizens by blood of said nation. Said Bradshaw was married March 22, 1894, to Florence P. Graham, in accordance with the laws of the Cherokee Nation. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. Florence P. Bradshaw, nee Graham, is identified on the 1894 strip payment roll, and has resided in the Cherokee Nation since 1888. Their children named above are identified by birth affidavits.

Title D/ 1125 refers to the application of Joe K. Graham for the enrollment of himself and his minor child, William C. Graham, as citizens by blood of the Cherokee Nation. said Joe K.

Graham is a son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 strip payment roll, and has resided in the nation since 1884. He married Mary Bradshaw on January 6, 1888. William C. Graham is the issue of that marriage. He is identified by a birth affidavit.

Title D. 1126 refers to the application of John F. Graham for the enrollment of himself and his two minor children, Edna M. and Robert Lee Graham, as Cherokees by blood. Said John F. Graham is the son of the said Missouri Graham, nee Dawson and was a minor when his mother was admitted to citizenship. He is identified on the 1896 roll and has resided in the Cherokee Nation since 1888. His children, who are the issue of his marriage to Mattie Lawson, a non-citizen, on February 11, 1900, are identified by birth affidavits.

Title D. 1127, refers to the application of James Neal for the enrollment of his wife, Joe Willie Neal, nee Graham, as a citizen by blood. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified upon the 1894 pay roll and has resided in the nation since 1888.

Title D. 1128, refers to the application of James M. Graham for the enrollment of himself and his minor children, Marion, Maggie, Luther, Lizzie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as a citizen by intermarriage. The said James M. Graham is the son of

the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 pay roll and has resided in the nation since 1884. On November 2, 1892, he was married to Bessie Willis. The six children named above are the issue of that marriage. The oldest child, Marion, is identified on the pay roll of 1894. The ~~other~~ children are identified by birth affidavits.

The residence of all minor children referred to herein is considered to be that of their parents.

In your decision of December 23, 1902, you held that all of the applicants mentioned above are entitled to enrollment.

Reporting relative to this group October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, in so far as it related to those applicants who claimed by blood, and as to those claiming by intermarriage he recommended that no action be taken at this time.

The department concurs in the recommendation of the Commissioner, and you are directed to enroll the applicants named above who claim by blood.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, alleging that the decree of the tribal court upon which these claims depend, was obtained through fraud. In this connection, see opinion of the Assistant Attorney General of February 18, 1904, in the Dawson case, copy of

-7-

which was forwarded to you February 24, 1904.

A copy of Indian Office letter relating to this group  
is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Tablequash, Indian Territory. May 21, 1904.

Commission to the Five Civilized Tribes,  
(Cherokee Division),

Waskagee, Indian Territory.

Gentlemen:

There are enclosed herewith original cards, jackets and reports in Cherokee doubtful cases as follows:

D-28 John V. Graham  
D-28 Elizabeth Graham  
D-518 Charles F. Moore  
D-226 Mathew K. Painter  
D-1124 Charles T. Bradshaw  
D-1128 Essie Graham.

Decisions have been rendered in these cases and all the applicants transferred except intermarried applicants. Jackets and records are forwarded to be retained in the office at Waskagee until such time as decisions can be rendered as to the intermarried applicants.

Respectfully,

MEB  
Encl R-40

Commissioner in Charge  
Cherokee Land Office.



10748

Edwin S. ...

I ... in this case  
...  
...

1035

Under Keenan et al

Certificate of admission  
to be filed

Part of Dawson family  
protected byerokee nation

(1309)

Cher 10749

Laverna A. Painter

Trans. from D836

Cher 10749

London, 1st July 1843

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( COPY )  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
CHELSEA, I. T. , NOVEMBER 20th, 1900.

In the matter of the application of Mathew Alexander Painter for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Painter being sworn and examined, testified as follows: EXAMINATION BY THE COMMISSION.

- Q What is your name? A Mathew Alexander Painter.  
Q How old are you? A 34  
Q What is your post office address? A Afton  
Q Are you a Cherokee citizen by blood? A No, sir.  
Q By adoption? A Yes, sir.  
Q For whom do you make application? A For my wife, She belonged to the Dawson family.  
Q Who else? A Wife and children.  
Q What does your family consist of? A Wife and five children.  
Q How long have you actually resided in the Cherokee Nation.  
A 13 years.  
Q Have you been outside of the Cherokee in the past three years?  
A Only a day at a time.  
Q What is the name of your father? A William Alexander Painter.  
Q Is your father living? A Yes, sir.  
Q What is the name of your mother? A Rebecca Painter.  
Q Is your mother living? A Yes, sir  
Q Were your parents ever recognized as citizens of the Cherokee Nation? A No, sir.  
Q What district are you living in at the present time? A Delaware  
Q Are you married? A Yes, sir.  
Q What is the name of your wife? A Lavernia Ada.  
Q Is she living? A Yes, sir.  
Q How old is she? A 30 years old.  
Q Is your wife a Cherokee? A Yes, sir.  
Q What degree of Cherokee blood do you claim for her? A I do not know just what degree she has.  
Q About how much? About 3/4 I suppose  
Q How long has your wife actually resided in the Cherokee Nation?  
A 13 years, a little over.  
Q Has she been outside of the Cherokee Nation at any time in the past three years? A She has been out a day at a time  
Q For what purpose? A On a visit.  
Q What is the name of your wife's father? A John W. Graham.  
Q Is he living or dead? A Living  
Q Is he a Cherokee or white man? A White man.  
Q What is the name of your wife's mother? A Missouri Graham  
Q Is your wife's mother living? A Yes, sir.  
Q Is she a Cherokee? A Yes, sir  
Q What was your wife's mother's name before she married Graham?  
A Dawson.  
Q Missouri Dawson? A Yes, sir.  
Q Give me the name of your oldest child? A Ada B.  
Q How old is she? A 12.  
Q What is the name of the next child? A Eva Pearl  
Q How old is she? A Ten.  
Q What is the name of the next child? A John W.  
Q How old? A Eight.  
Q What is the name of the next child? A Ray Dale  
Q How old? A Three.  
Q The next child? A Roberta Anna  
Q How old? A One year  
Q Are these children all alive and living with you at the present time? A Yes, sir.  
Q You are the father of the children? A Yes, sir.  
Q Your present wife is the mother? A Yes, sir  
Q When were you married? A Married in '84 I believe



Mathew Alexander Painter--2

Q Have you any evidence of your marriage? A Yes, sir.

COMMISSION: The applicant presents a Cherokee marriage license signed by C. S. Chelton, Clerk of Delaware District, Cherokee Nation, issued on the 11th day of August, 1888, authorizing the marriage of M. A. Painter, a citizen of the United States, to Miss Vernia Graham, a citizen of the Cherokee Nation. He also presents a certificate showing that marriage was consummated by Joseph Faulk, a Minister of the Gospel, on the 19th day of August, 1888. The marriage license and certificate are filed herewith.

Q Have you lived with your wife continuously since you married her in 1888? A Yes, sir.

Q Are you living with her at the present time? A Yes, sir.

Q Were you ever married before? A No, we were married in the State.

Q Were you ever married to any other woman? A No sir.

Q Was she ever married to any other man? A No, sir.

Q When were you first married? A 1887

Q Where were you living at the time of your first marriage? A In Texas.

Q Where were you actually residing when you were married under the Cherokee law? A In the Cherokee Nation.

Q Did you move here and settle in good faith before you married?

A I was married in the State and in about six months I come here and remarried.

Q Have you any property in the Cherokee Nation? A Yes, sir.

Q Of what does your property consist? A Farm property and town property.

Q Do you derive any rents from that property? A Yes, sir.

Q Is any of your farm property in cultivation? A Yes, sir.

Q How much in cultivation? A I have about five or six hundred acres in cultivated land.

Q Where were these children born? A In the Cherokee Nation.

Q Have they resided here since that time? A Yes, sir.

Q Was your wife ever admitted to citizenship by an Act of the Cherokee National Council, or Commission on Citizenship? A Yes sir

Q Have you any evidence of that fact? A They have got it on the other side.

COMMISSION: Attention is called to certificate filed in the case of Lizzie Jackson et al., Cherokee Card D 830. It is signed by John L. Adair, Executive Secretary of the Cherokee Nation, and he certifies that on the 9th day of September, 1883, one Missouri Dawson was admitted to citizenship in the Cherokee Nation. The document bears the seal of the Cherokee Nation.

Q Is the Missouri Dawson mentioned in this document your wife's mother? A Yes sir.

Q You did not remove to and permanently locate in the Cherokee Nation until four years after your wife's mother had been admitted to citizenship? A '87 when I moved here.

Q You moved here and permanently located in 1887? A Yes, sir.

Q Your wife was admitted in '84? A Yes, sir.

Q Where was your wife living when her mother was admitted to citizenship in the Cherokee Nation? A In Texas.

Q Has your wife's mother ever resided in the Cherokee Nation?

A She has been here for the past 13 years,

Q Living here at the present time? A Yes, sir.

INTERROGATORIES BY JOHN C. STARR, Cherokee Representative:

Q Where were you living at the time you were married the first time? A In Texas.

Q How long were you married before you came to the Cherokee Nation and permanently located in the Cherokee Nation? A Only a few days after I was married.

Q What is the exact date of your first marriage? A September 1887.

Maths Alexander Painter--3

Q What is the exact date of your permanently location in the Cherokee Nation; When did you move here with your effects? A I come from, I was fixed to come when I married. I did not land here at Afton until the 10th day of November; it has been a little over 13 years.

Q You lived here continuously since that time? A Yes, sir.

Comes now the Representatives of the Cherokee Nation and protest against the enrollment of this applicant and his family, alleging that the mother of the applicant's wife, whose name is Missouri Dawson, obtained her admission to citizenship in the Cherokee Nation by fraud.

1896 Roll; page 585, #426, Maths (ew) A. Painter, Delaware.  
1896 Roll; page 516, # 2389 Lavenia A. Painter, Delaware.  
1896 Roll; page 516 #2390, Ada K. Painter, Delaware.  
1896 Roll; page 516 #2391, Eva Pearl Painter, Delaware.  
1896 Roll; page 516 #2392, John W. Painter, Delaware.

COMMISSION: The applicant applies for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife and five children as citizens by blood of the Cherokee Nation: He is identified upon the census roll of 1896 as an adopted white. He produces satisfactory proof as to his marriage in accordance with the laws and customs of the Cherokee Nation on the 19th day of August, 1888. He was previously married to his wife under the United States law in the State of Texas, in the year 1887. He avers that he has lived continuously in the Cherokee Nation for the past 13 years. He has lived with his wife ever since they were married in 1888. Neither of them were married before. He will be listed for enrollment as a Cherokee citizen by intermarriage. His wife and three oldest children are identified upon the census roll of 1896 as native Cherokees. They will be listed for enrollment as Cherokee citizens by blood. And when he files with the Commission properly executed affidavits as to the births of his two youngest children, whose names do not appear upon the census roll of 1896, they will also be listed for enrollment with their mother, as citizens by blood of the Cherokee Nation. He produces a duly attested copy of the records in the office of the Commission at Tahlequah, in which a number of persons were admitted to citizenship. Among them appears the name of one Missouri Dawson. He avers that the said Missouri Dawson is the mother of his wife and that his wife was a minor at the time her mother was admitted to citizenship, however, for the further consideration of the Commission, for the reason that the Cherokee Representatives have protested against the enrollment of the applicant and his family for the reason that they attack the validity of certain actions on the part of the Cherokee Nation admitting said Missouri Dawson to citizenship. The Commission will place your application which you make in your own behalf and that in which you make in behalf of your wife and children, on what is known as a DOUBTFUL CARD, and when the final judgment is rendered in your case you will be notified in writing at your present postoffice address.

J. O. Houson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly

Mathew Alexander Painter--4

the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes made.

(Signed) J. O. Mason

Subscribed and sworn to before me this 20th day of November, 1904.

(Signed) G. H. Breakridge  
Commissioner

The undersigned, under oath, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that the same is a true and correct copy of the original transcript.

*L. M. Brown*

Subscribed and sworn to before me this 22 day of August, 1904.

*M. J. Martin*  
Notary Public

# CHEROKEES BY BLOOD AND ADOPTION.

Date *Nov. 20*

Name *Matthew A. Painter*

*Clifton S. S.*

District *Delaware*

Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood *no* Mother's citizenship \_\_\_\_\_

Intermarried citizen *yes*

Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_

License *Lavinia A. Painter* Certificate \_\_\_\_\_

Wife's name *Lavinia A. Painter*

District *Del*

Year *1896* Page *576* No. *2389*

Citizen by blood *yes for* Mother's citizenship \_\_\_\_\_

Intermarried citizen \_\_\_\_\_ *Disruptful*

Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_

License \_\_\_\_\_ Certificate \_\_\_\_\_

### Names of Children:

Names of Children:	Dist.	Year	Page	No.	Age
<i>3 Ada R. Painter</i>	<i>Del.</i>	<i>1896</i>	<i>576</i>	<i>No. 2390</i>	<i>Age 12</i>
<i>4 Eva P. "</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>No. 2391</i>	<i>Age 10</i>
<i>5 John W. "</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>No. 2392</i>	<i>Age 8</i>
<i>6 Ray D. "</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>No. "</i>	<i>Age 3</i>
<i>7 Roberta "</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>No. "</i>	<i>Age 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 on 1896 roll as Matthew (w) A Painter*

*2 " " " Lavinia A "*

*4 " " " Eva Pearl "*

*6 + 7 Birth affidavits require.*



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskeges, I.T., October 2, 1902.

In the matter of the application of MATHEW A. PAINTER, for the enrollment of himself as a citizen by intermarriage, and his wife LAVERNIA A. PAINTER, and his children ADA R., EVA P., JOHN W., RAY D., ROBERTA A. and BOY V. PAINTER, as citizens by blood of the Cherokee Nation.

JOHN W. GRAHAM, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A John W. Graham.

Q What is your age? A Fifty nine.

Q Are you acquainted with Mathew A. Painter who is an applicant before the Commission for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.

Q How long have you known him? A For 17 or 18 years.

Q You knew him then before he was grown?

A Yes sir, when he was a boy.

Q What is his wife's name? A Lavernia A. Painter.

Q Is his wife related to you, Mr. Graham? A She's my daughter.

Q You have known her always then? A Of course.

Q When was Mathew A. Painter and his wife, Lavernia A., married?

A They were married fifteen years from this back; it was just before we come to the nation. We come together; he come with me from Texas here.

Q Was Mathew A. Painter ever married prior to his marriage to his wife Lavernia A.? A No sir.

Q Was she ever married prior to her marriage to him? A No sir.

Q She is his first wife and he is her first husband? A Yes sir.

Q Has he lived with his wife all the time since his marriage to the present time? A Yes sir.

Q Were they living together as husband and wife on the first day of September, 1902? A Yes, sir, they were.

Q They have never been separated? A No sir.

Q How long has Mathew A. Painter resided in the Cherokee Nation?

A For fifteen years.

Q For the last fifteen years continuously? A Ever since he come, yes sir.

Q His wife has lived with him in the Cherokee Nation all that time?

A Yes sir.

Q These children, Ada R. Eva P., John W., Ray D., Roberta A. and Roy V., are they all children of Mathew A. Painter and his wife Lavernia A.? A Yes, sir, their children.

Q Are these children all living at this time? A They are.

Q Have these children lived in the Cherokee Nation all their lives, since their birth? A Yes, sir.

Q Mathew A. Painter has never been married to any other woman?

A No sir.

Q Mathew A. Painter was married to his wife in the States before they came to the Nation was he? A Yes, sir.

Q And after they came here his wife was admitted to citizenship by the Cherokee authorities?

A Well, she's been always enrolled and considered admitted. I claimed that she was a citizen by blood.

Q Well, you were admitted after you came here weren't you?

A No sir, my wife was on the rolls before we ever come here.

Q Was Mathew A. Painter married to his wife according to Cherokee law and under a Cherokee license after they came here?

A Yes sir, the same as I did.



( COPY

Cher D 536--2

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 October 5, 1902.

(SIGNED) B. C. Jones,  
Notary Public.

(SEAL)

The undersigned, being first 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 full, true and correct copy of the original transcript.

*Louisa B. ...*

Subscribed and sworn to before me this 22 day of August, 1904.

*A. J. Martin Jr.*  
Notary Public

( COPY )

(DAWSON CASE)  
Cherokee D-836

Department of the Interior,

Commission to the Five Civilized Tribes,  
Muskogee, I.T., October 3, 1902.

In the matter of the application of Mathew A. Painter for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lavernia A., and children, Ada R., Eva P., John W., Ray D., Roberta A. and Roy V. Painter, 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 Mathew A. Painter.  
Q What is your age at this time? A 36.  
Q What is your postoffice? A Afton.  
Q Are you the same Mathew A. Painter for whom application was made to this Commission for enrollment as an intermarried citizen on November 20, 1900? A About that time, yes sir.  
Q What is your wife's name? A Lavernia.  
Q She a citizen by blood of the Cherokee Nation? A Yes sir.  
Q When were you married? A In '88 according to Cherokee law.  
Q You were previously married under state law? A Yes, sir.  
Q Had you ever been married before your marriage to this wife?  
A No sir.  
Q Had she ever married before her marriage to you? A No sir.  
Q Had you and she lived together all the time since your marriage up to the present time? A Yes, sir.  
Q Never been separated? A No, sir.  
Q She is your first wife and you are her first husband? A Yes sir.  
Q Living together on the first day of September, 1902, as husband and wife? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A About fifteen years.  
Q Have you lived here all the time for the last fifteen years in the Cherokee Nation? A Yes sir.  
Q How long has your wife lived in the Cherokee Nation? A For the last fifteen years.  
Q These children were all born in the Cherokee Nation? A Yes, sir.  
Q And have they lived in the Cherokee Nation all their lives?  
A Yes sir.  
Q Are these children, Ada R., Eva P., John W., Ray D., Roberta A., and Roy V., all living at this time? 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.

(Signed) E.G. Rothenberger .

Subscribed and sworn to before me this 20th day of October, 1902.

(Signed) B. C. Jones

(Seal)

Notary Public.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above copy, and that the same is a full, true and correct copy of the original transcript.

Subscribed and sworn to before me this 22 day of August 1902.



- Q Next child? A Laura.  
 Q How old is that child? A She is four years old.  
 Q Is that all? A Yes, sir; six of them. I have others, but they are not at home.  
 Q Are they married? A No, sir.  
 Q Are they over age? A Yes, sir.

(1896 Roll, Page 461, 1908, Francis Marion Dawson, Delaware.  
 (1896 Roll, Page 369, 1935, Katie Dawson, Delaware District.  
 (1896 Roll, Page 461, 1903, Lula Dawson, "  
 (1896 Roll, Page 403, 1904, Ray Dawson, "  
 (1896 Roll, Page 403, 1905, Joseph James Dawson, Delaware Dis't.  
 (1896 Roll, Page 461, 1906, Jacob Levy Dawson, "  
 (1896 Roll, Page 461, 1907, Hugh A. Bensmore Dawson, "  
 (1896 Roll, Page 461, 1908, Laura Albertic Dawson, "

- Q Is this Lula or Luly? A Luly.

The applicant applies for the enrollment of himself, wife and six children:

- Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 13th, 1895; he is identified on the roll of 1896, but the representative of the Cherokee Nation desired to bring inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Case." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission; she has never been remarried according to Cherokee law; she has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Case".

These six children, as enumerated in the testimony are identified on the roll of 1896; they are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Case". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly transcribed 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. Crutens,

Subscribed and sworn to before me  
 this 14th day of September, 1909.

(Signed) C. J. [illegible]



BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment  
of F. K. Dawson and others as  
Cherokee citizens.

Deposition of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Halewell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. P. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q State your name, age, residence and occupation?
- A T. P. Thompson, 53 years old, I live near Vinita, Cherokee Nation.
- Q How long have you resided in the Cherokee Nation? A All my life.
- Q Are you a citizen of the Cherokee Nation as now constituted?
- A Yes, sir.
- Q Upon what is that citizenship based, blood or otherwise?
- A Blood.
- Q What, if any official position have you held in the Cherokee Nation, and at what time?
- A I was elected to the Cherokee Council in 1876 some odd, I don't remember the exact year, I was also on the Commission Court.
- Q Do you remember when that was? A Some time in 1800 or 1801, I think, it may have been earlier.
- Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
- Q State, if you remember, how many members of that Commission or Court, were there, and who they were besides yourself?
- A There were three, Tobeo, Wolf and myself, Tobeo was President of the Court.
- Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
- Q Did you have a Clerk? A Yes, sir.
- Q What name was that was? A D. W. G. Duncan.
- Q Do you know whether the members of that Commission besides yourself, are living or dead? A Yes, sir, they are both dead.
- Q Can you recollect how what period of time that Commission lasted?
- A About two years I think, two sessions, and there was one session each year.
- Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
- A Yes, sir.
- Q Were the cases coming before that body heard in open session?
- A Yes, sir.
- Q With respect to that body? A Yes, sir.



Q Judgments of the Court or Commission pronounced in open session?

A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.

Q What you intended to convey by your answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.

Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bragier, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?

A I recognize the signature to it, but don't remember the instrument.

Q Which signature on that paper do you recognize? A My own.

Q That signature is in your own handwriting? A Yes, sir.

Q Do you know whether Thomas Tehee, president of the Commission could write in English or not? A No, I don't think he could.

Q How do you know Alexander Wolfe, a member of the Commission?

A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.

Q Were you, and are you familiar with the handwriting of D. W. C. Dawson, the clerk of that Commission?

A Terribly well, but it has been a long time since I saw any of it.

Q Will you look at the paper again and say whether you recognize his signature attached thereto?

A Yes, that is his signature to the best of my knowledge.

Q Do you preserve any personal recollection of the application before that Commission of F. H. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by the Commission?

A I remember F. H. Dawson and his brother, that is about the only ones I remember.

Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?

A Yes, there was such a claim before the Commission.

Q Can you state as to the citizenship of Thomas Tehee, whether he was a citizen of the Nation by blood or not?

A Yes, sir, he was always recognized as such, full blood besides.

Q What is your knowledge of Alexander Wolfe?

A About the same, he was also a full blood and recognized as a Cherokee.

Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. H. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?

A None whatever as far as I was concerned, and I don't think there was by the patience of the Court.

#### CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?

A Yes, sir.

Q When Mr. Dawson certified that this is a transcript of the decision in the case, he is mistaken, that is the original?

A No, I don't know that may be the original, if that is not the original I do not sign it, if it is the original I signed it.

Q You state that the witnesses were examined equally before the Court, don't you know that in almost every case you took ex parte

affidavits of witnesses when those witnesses were not present?

A I think we ruled ex parte evidence out, as well as I remember.

Q Did you have any stenographer or anybody to copy the evidence? Mr. Duncan did all of the copying.

Q Was the evidence copied and preserved?

A Yes, sir, I think it was.

Q What was done with that evidence, where was any of it ever put?

A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.

Q When you went into secret session did you have Mr. Duncan read that evidence to you?

A Yes, sir, we went over the evidence thoroughly.

Q Did you allow the applicants or their attorneys admission to any of your secret sessions?

No, sir.

Q When you go ready to render your decisions did you then send for the applicants or their attorneys?

A No, sir.

Q And you rendered them in secret also, did you? A Yes, sir.

Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.

Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.

Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.

Q How could your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.

Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.

Q Who was the attorney for the Dawsons? A Old man Houston Benge.

Q Could either Tehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.

Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.

Q How long were you considering the case altogether?

A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.

Q There were only two or three witnesses examined all told, were there not?

A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.

Q Well the Court was a good while arriving at its conclusion after the evidence as closed?

A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.

A His name was Reese, I forgot his given name.

Q Do you know whether he is living or dead?  
 A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Dunsan.  
 Q What was he, a Cherokee by blood?  
 A He was considered a Cherokee by blood.  
 Q Do you know where he lived at that time?  
 A No, sir, he lived in the south part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,  
 Indian Territory,  
 Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, herby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 339.

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation, Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk..

OFFICE OF COMMISSION ON CITIZENSHIP,  
 TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1893.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbren Dawson, James Dawson, Rial Dawson,

vs.  
 The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1893, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbren Dawson, James Dawson, and Rial Dawson, 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 they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan,	)	Thomas Tehee, President of Com.	
Clerk of Commission.	)	Alex Wolf;	) Commissioners.
	)	T. F. Thompson,	)

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883. D. W. C. Duncan, Clerk of Commission.

Executive Department,  
Tahlequah, Cherokee Nation,

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the  
Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,  
Asst. Ex. Secretary.

United States of America,  
Indian Territory,  
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900." The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q Please state your name, age, residence and occupation?  
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
- Q How long has that been your place of residence? A Since 1874.
- Q Are you a member of the Cherokee Nation as it is now constituted?  
A Yes, sir.
- Q Upon what is your citizenship based, a Cherokee by blood?  
A Yes, a Cherokee by blood.
- Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?  
A About that time I held the position of Clerk of the Citizenship Court or Commission.
- Q If you remember the names of the members of that Commission or Court, please give them?  
A The President of the Commission was Tchee I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
- Q T. F. Thompson?  
A Yes.
- Q Do you know whether these three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?  
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
- Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragden, Clerk, and of John L. Asair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?  
A Yes, I think I have seen this before.
- Q When, and where, if you remember, did you first see that paper?  
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
- Q Looking at its date, was it drawn at you at the time it bears date?  
A To the best of my recollection it was drawn at the date specified.
- Q Do you recognize the signature to the certificate attached to that paper?  
A Yes, that is my signature.
- Q State if you know, in whose handwriting the body of the paper is?  
A It is in my handwriting.
- Q And at that time you were Clerk of that Commission? A Yes.
- Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?  
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
- Q Explain please, how you came to write the signatures of Thomas Tchee and Alex Wolfe to that paper?  
A Thomas Tchee and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.



Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?

A In all instances here it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Teehe's and Wolf's names and T. F. Thompson to sign his own name.

Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call your attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?

A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.

Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Teehe's name and see if it is not all your own handwriting?

A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q How was the evidence taken in these cases?

A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existence or not?

A I do not, the last I saw of it was when I turned the records over to the Executive office at Tallahassee, and I have not seen it since.

Q You say you never heard any talk about this being an improper case until very recently?

A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can't recall any that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence: the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.  
My commission expires 2/3/1902.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., April 8, 1908.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation. He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.  
Q How old are you? A Soon will be sixth years old.  
Q What is your postoffice address? A Afton now, it used to be Oseema.  
Q What was the name of your wife? A My first wife was Julia Ann Howard.  
Q She was a white woman? A Yes, sir.  
Q When were you married to her? A I think it was the 8th of January, 1884.  
Q Where were you living at that time? A In Arkansas.  
Q Who married you? A A man by the name of Dave Sturdy.  
Q Was he a preacher? A Yes, sir.  
Q A Minister of the Gospel? A Yes, sir.  
Q Did she and she live together as husband and wife up to the time of her death? A Yes, sir.  
Q Did you have any children by her? A Yes, sir.  
Q What are their names? A William R. Dawson.  
Q The next one? A Francis Marion Dawson Jr.  
Q The next one? A Johnnie.  
Q The next child? A Elizabeth.  
Q The next one? A Arizona Allred.  
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.  
Q How old are you? A I will be 51 the 13th day of June.  
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.  
Q How are you related to him? A Brother.  
Q Did you know his former wife, Julia? A Yes, sir.  
Q Is she living or dead? A She is dead.  
Q Was she a Cherokee or white woman? A I couldn't say what; she they married in the states.  
Q Do you know when he was married to her? A Yes, sir.  
Q When was it? A About the close of the war.  
Q Who married them? A Parson Sturdy.  
Q Were you present when they were married? A Yes, sir.  
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.  
Q How old are you? A 50 years old.  
Q What is your postoffice address? A Afton.  
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Ned Dawson.  
Q How long have you known him? A My first acquaintance with him was in '81.  
Q Did you know his first wife, Julia? A Yes, sir.

- Q Do you know whether or not they were married? A Yes, sir, they were married.
- Q Were you present at the marriage? A No, I wasn't present at the marriage.
- Q Did you see them soon after their marriage? A Yes, sir.
- Q Did you continue to hear them for any length of time afterwards? I knowed them as long as she lived.
- Q During the time you knew them did they live together as husband and wife? A Yes, sir.
- Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:  
Arizona Allred et al D-538, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-585.

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

(Signed) E. G. Rothenberger.

Supl.-C. D. #324.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the  
following proceedings were had:

APPEARANCES:

Mr. A. S. McKennon, of counsel for applicants;  
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case  
and announces that it is ready for trial, provided permission is  
given to hereafter examine before the Commission, either at this  
place or Fort Gibson, the witness S. H. Benge, who has been regularly  
summoned to attend at this day and time but who is too sick to  
travel at this time and probably will be for some time to come. As  
evidence of a good faith of the Nation we hereby present an affidavit  
of the facts sought to be proven by the said Benge. If the applicant's  
counsel are willing to concede that the witness if present would  
testify to the facts herein set forth, the Nation is ready to  
proceed to trial without reservation of any kind. If they are not  
it desires to reserve this privilege of hereafter, either tomorrow  
or otherwise, this case being set for to-day and tomorrow, of  
examining before the Commission, or its authorized officer, this  
witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the  
paper presented and do not admit that the witness, Samuel H. Benge  
if present would testify to the facts therein stated. They consent  
and desire that the testimony of said Benge be taken before the  
Commission at its office in Muskogee but not elsewhere, and protest  
against it being taken at any other place, with the understanding,  
however, that when taken we have opportunity to introduce any evidence  
we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing Counsel,  
their client and Commission officers in taking the deposition at  
Fort Gibson.

Commissioner Brackinridge: The allegations of this witness are  
material in their character and are quite tangent. The Commission  
of its own volition would acquire information of that character if  
it knew of its existence anywhere. While the functions of the  
Commission, as well known are in many respects judicial, yet it is  
bodied with somewhat complex powers, such as Congress creates from  
time to time to do business of certain character, and it is ordered  
to make a correct roll, which is a duty largely independent of  
hearing simply what is brought before them; it must be the architect  
and constructor of that roll and if evidence is not brought before  
before the Commission it must go out and get it, to be uniform on  
that construction of the law. The Commission, therefore, desires  
this information independent of any counsel on either side both with  
respect to the applicant and to the Nation, and if this witness is



is not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for Plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 3:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

- Q What is your name? A Francis M. Dawson.  
 Q Where do you reside? A In Arton.  
 Q You have been examined in this case heretofore, have you?  
 A I don't know which case it is.  
 Q In your own case? A Yes, sir.  
 Q Are you the one that is commonly called Bud Dawson? A Yes, sir.  
 Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.  
 Q What was his name? A A. E. Dawson.  
 Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.  
 Q And you were admitted about month of January '83? A Yes, sir.  
 Q There were other members of your family that applied and were admitted after that time? A Yes, sir.  
 Q Do you or not remember the evidence offered in theirs to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Tah Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?  
 A That is afterwards?  
 Q Yes, afterwards? A I think there was some other evidence introduced.  
 Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arton? A Yes, sir.  
 Q Who else? A Oliver Miller.  
 Q Who was Oliver Miller; the records in this case have been somewhat destroyed and mutilated? A Oliver Miller lived in Arkansas.  
 Q What was he, who was he? A He is no kin to me at all.  
 Q Well, what station in life did he occupy; was he a farmer?  
 A Yes, sir, farmer.  
 Q Were you present when he testified? A Yes, sir.  
 Q Were you present when Dr. Baker testified? A Yes, sir.

- Q Have you a fair recollection of the testimony of those two men?  
A No, not at all.
- Q You don't read do you, Mr. Dawson? A No, sir, I don't read nor write: I can barely write my name.
- Q Do you think you could refresh the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
- Q Were you present when you were admitted? A I was not in the room.
- Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
- Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:  
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
- Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember at all.
- Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
- Q Now, you were a son of what Dawson? A Robert Dawson.
- Q How many children did Robert Dawson have, and give me their names?  
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
- Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
- Q Thirteen? (No response.)
- Q Now, Robert Dawson's father was whom? A Sam Dawson.
- Q Who was Sam Dawson's wife, your grandmother? A I have been told.
- Q By family history is all you know? A She was called Polly Dawson.
- Q Who was Anna Pruitt? A I don't know.
- Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
- Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
- Q Pollie Dawson? A Yes, sir.
- Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
- Q Daughter of Captain John Rogers? A Yes, sir.
- Q Now, she died in Texas what time? A I don't remember.
- Q Can't you guess at it? A Oh, I could guess.
- Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
- Q How old a boy were you then? A I was born in '42.
- Q Have you any distinct recollection of her? A No, sir.
- Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunt? I didn't see all of them.
- Q Do you know by family history the names of all of them? A Yes, sir.
- Q Will you give them to me?  
A Betsy Ann Dawson, I believe her name was.
- Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
- Q Your father? A Yes, sir.
- Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
- Q Did he have two daughters? A Yes, sir.
- Q Well sir? A The next one was Joe Dawson; I never saw him; Riley Dawson.

- Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.  
Q Any other one? A That is all I know anything about.  
Q Did he have any child by the name of John? A Yes, Jack.  
Q Didn't you get Jack replaced with Joe? A No, it was Joe; I have heard my father speak of him.  
Q Then they have seven children? A I never see them all.  
Q How many of them did you ever see? A I see uncle Riley Dawson and James Dawson and Jack Dawson and Retay Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.  
Q So you know that your family history says that the father of your grandmother, Pollie Rogers' name was? A We have no history.  
Q Well, as it was brought down to you; did you ever hear anybody say that your great grandmother's name was? A No, I don't remember.  
Q What is that other man, Oliver Miller that testified in your case? A He testified in James Dawson's case; he never testified in my father's case.  
Q Well, didn't anybody testify in your case but Dr. Baker?  
A Yes, sir, several other witnesses.  
Q Who were they? A I don't remember; my mother got them witnesses around Tallapoosa, old people.  
Q Were you present? A No, sir.  
Q You were only present when Dr. Baker testified? A Yes, sir.  
Q How do you find any mistakes in Dr. Baker's statement there?  
A I could not say all of them was correct or not, part of it is correct.  
Q What part is correct? A My about knowing the family over there.  
Q Who is Buck Dawson? A My brother.  
Q What is his name? A He always called him Buck, it is Elbert, E. Dawson.  
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.  
Q The first time? A I met my brother in Texas.  
Q Which one? A E. Dawson.  
Q That is Elbert or Buck? A Yes, sir.  
Q You were living in Arkansas? A Yes, sir.  
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.  
Q Dr. Dawson now? A Yes, sir.  
Q What is his name? A James.  
Q And you three went there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the commissioners in advising members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. E. TAYLOR, both sides sworn, testified as follows on part of the Cherokee Citizens  
MR. TAYLOR

- Q State your name? A C. H. Taylor.
- Q Where do you reside, Mr. Taylor? A To near Coffeyville.
- Q Were you an attorney before various citizenship Courts along in '81 to '87 in the Cherokee Nation at Tahlequah? A Yes, sir.
- Q Were you attorney for F. M. Dawson commonly known as Bud Dawson?
- A Yes, sir.
- Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
- Q Do you know who composed the court that decided the case at that time? A Yes, sir.
- Q Who were they? A Tom Tehee and Alex Wolfe and Tony Thompson.
- Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
- Q Which two? A Tehee and Wolfe.
- Q Who was the Clerk of the Court at that time? A Mr. Duncan, D. W. C. Duncan.
- Q Do you know what witnesses were used in the case of Bud Dawson?
- A No, sir; now I was the attorney in the case and the evidence had already been filed before the Court.
- Q When were you made attorney? A I was only called in as an attorney at the— Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
- Q Did you read the evidence in this case? A No, sir.
- Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
- Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the Court or the Clerk of the Court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.—

Commissioner: Just answer the question, Mr. Taylor.

A Being the attorney I don't believe it is right for me to answer that question.

Commissioner: Do you refuse to answer? A Yes, sir.

Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:

Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.

Q Mr. Taylor, do you object to answering that question? A Yes, sir.

Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.

Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privilege, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the Commission desires and the Government

needs for the sake of a correct roll the fullest information possible, but it is subject to the limit of law, & it is not for this Commission to decide of the law is a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.



Under Section 21 of the Cirtin law as it is commonly called Act of June 20 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are wit in your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.

Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.

Q Now, I require that you answer that question, do you refuse? A Yes, sir.

Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at due time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKemmon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:

Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKemmon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 12, 1903.)



Suppl.-C. D. #324.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS H. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:

Mr. A. S. McKennon, of Counsel for applicants.  
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows  
on part of the Cherokee Nation:  
W. T. HUTCHINGS:

- Q State your name? A Samuel H. Benge.  
Q Where do you reside? A Fort Gibson.  
Q How old are you? A I am 70 years old, going in 71.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee  
by blood.  
Q State what official position you have held in the Cherokee Nation  
and what your general connection with the Nation officially in the  
last 40 years? A Well, I had several; I have been Sheriff,  
Councilman, Senator, Delegate to Washington; had a hand in making  
the treaty of 1866, I am the only one living that signed that treaty;  
President of the National Council of different tribes of Indians.  
Q Were you acquainted with F. H. Dawson, commonly called Bud  
Dawson? A Yes, sir; I know him.  
Q State your connection with and what you know about his citizenship  
case before what is known as the Thomas Tehee Citizenship Court?  
A Mr. Dawson come down, I was living down below here, he come and  
employed me to tend to his case and we went to Tahlequah, I believe  
if I ain't mistaken in 1881 and filed his case there; we went  
several times and continued his case on for the want of evidence,  
and finally while we was up there we run across one old darkey by  
the name of Tosh Rogers; we got his testimony and after we got  
that testimony we concluded that it was sufficient to go into the  
trial with. Tosh lived here at Fort Gibson, he was a horse trainer  
down here and stayed here; he claimed that he know the Rogers and  
belonged to one of them and after what we thought we had sufficient  
evidence we submitted our case to the Court for trial, and the Court  
went to work and rendered a decision against Mr. Dawson.  
I told Mr. Dawson right there that "our case is dough", just made  
that remark, and he just made the remark "never mind", and next  
morning they taken up his case again and they rendered a decision in  
his favor. I filed no motion nor any evidence at all whatever; I  
give the case up right there and the decision was then given in his  
favor, and on our way back from Tahlequah, why we got to talking  
about the case and I told him: "it was a pretty hard blow when they  
rendered that decision against us." He said: "yes, but Duncan was  
the man to reach", but he reached him with five hundred dollars.  
Q What position did Duncan occupy? A He was Clerk of the Court.  
Q Duncan an educated man or? Yes, sir; he was an educated man.  
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and  
Tom Thompson.  
Q How many of these could speak English at all? A One.  
Q Which one? A Thompson.  
Q Who was the Attorney that represented the Nation in those cases?  
A Why Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?  
A Wilson Sanders.

Q Was he an educated man, or could speak English well? A No, sir.

Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.

Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventually and I told him I didn't know.

MR. MCKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man come to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the committee. I was not a witness but they is that I don't for him.

Q That was Mr. Graham, wasn't it? A Yes, sir.

Q Have you had conversations with Mr. Graham since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.

Q Well, after the Daves Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?

A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.

Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said that is as I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.

Q Where? A It was been sometime ago.

Q Here in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.

Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?

A No, sir; he was basing his claim on the Dawson case, that is the way he-

Q What is the principal Dawson family? A Yes.

Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)

A Yesterday I reckon.

Q Who come to take this? A Mr. Starr.

Q Who else was present when this was taken? A No, sir.

Q How had you told about this matter, Judge? A No one as I know of.

Q Do you know how it was that they knew that you know this?

A No, sir.

Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Seales, he and him

talked about these cases a good many times; if I ever made a statement it was to Joe Ab Seales.

Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

- Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said "what case," and he went to work and named Shoemaker case and Dawson case.
- Q And thereupon you made this statement? A He said he wanted to qualify me.
- Q Are you certain Judge that after the rendition of that judgment Mr. Dawson came back here to Fort Gibson with you?
- A Yes, sir; we was together.
- Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
- Q And returned here together? A Yes, sir.
- Q Did he not leave you there and go back direct to Arkansas?
- A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Webbers Falls up here to my house, that is according to his statement.
- Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
- Q How did they pay you? A Paid me the money.
- Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
- Q Mr. Graham? A Yes.
- Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
- Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.
- Q Where did he pay you the money? A Paid it here at home.
- Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundred dollars.
- Q You were acting as his attorney in the case? A Yes, sir.
- Q How many judges were there present when the judgment was rendered?
- A In his case?
- Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tabor and Wolfe.
- Q Don't you remember that they were all present? A No, I think they were present though.
- Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
- Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
- Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
- Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
- Q How long did you remain out at Tahlequah on that trip?
- A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A No, sir.

Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present)

A I don't know whether the judges received any or not.

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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 had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.  
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.

Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones?

A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.

Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.

Q Did you see him again that night? A Yes, sir; after supper I went down to his room.

Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.

Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.

Q You carried Dawson to him? A Yes, sir.

- Q Did you remain during the conversation? A Only a minute.
- Q What was said if naything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
- Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
- Q Did you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together yourself? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
- Q The next morning? A Yes, sir.
- Q And there been any additional evidence offered? A No, sir; there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q Was it called up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
- Q Would they speak english at all? A Tehee could talk a little, talk some.
- Q Had that court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted th attorneys would go out. The parties would go out and they would determine the case.
- Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
- Q And was the decision rendered that morning in their favor? A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, and he would send some more money in a short time.
- Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
- Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundrd dollars more.
- Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it.
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Just submitted it on the testimony? A Yes, sir.
- MR. McKENNON:**
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.



- Q When did you come to the Cherokee Nation? A Come here in 1886.
- Q How long have you been practicing law in the Cherokee Nation?
- A I think since '88.
- Q You have done a great deal of citizenship business haven't you?
- A Yes, sir.
- Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
- Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
- Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
- Q When was that? A I don't remember how long ago it has been.
- Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
- Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the rail for fraudulent purposes.
- Q Sending out propositions and obtaining case for citizenship for people in the Cherokee Nation? A No, sir, it was for answering correspondents.
- Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
- Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the rail for fraudulent purposes.
- Q The use of the rails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
- Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
- Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
- Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
- Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
- Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
- Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he cautioned me and I come down here and I didn't want to make a statement to him but he insisted.
- Q He had no power to compel you to make a statement? A No, sir.
- Q You could then make it very freely and your conscience didn't hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
- Q Did you tell them with information by which they could get you these questions when you came on the stand? A I had told Mr. Hastings.

Q You know when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?

A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.

Q You thought you would not be compelled to answer?

A I didn't think the law would compel me to make a statement.

Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.

Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him that I told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you, sir? A Yes, I said to him this; I says that if there is not something done that I will likely be summoned against you and M. Shoemaker both.

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it, I was going out of town just as he came in.

Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.

Q If he would put up you would not testify? A That they could not force me to testify.

Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Old Graham; "you people are on the doubtful list and if you will give me \$500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on?" A No, sir; I got a letter from Old Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked. He then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't take any bid, that is I didn't set no price with him.

Q You did not say to him then what I have embraced in that question were? A No, sir.

Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.

Q You say you didn't take any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will not get it?" No, sir; I says to Mr. Shoemaker, I says: "Who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I want if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you know that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used?

A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he would you would write it all right for him? A No, sir; I didn't say that; no, I said if he had employe me in the matter "maybe it would have been better for you." Now, he offered so then I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

- Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I know nothing against him.
- Q Now, then, you say that you were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.
- Q You were present in Tahlequah? A Yes, sir.
- Q How long had you been at Tahlequah? A I was living there at that time.
- Q When were you first employed by them? A By Dawsons?
- Q Yes, sir. A The evening before the case was tried.
- Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.
- Q And told you to hand to Duncan? A No, sir.
- Q What was your statement? A That he paid me \$20 and says "I will send you some more in a short time, week or so."
- Q And then he sent you \$100? A Yes, sir.
- Q And wrote you to give D. W. C. Duncan \$50 of it? A Yes, sir.
- Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.
- Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.
- Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Stapler's and got it changed-- I won't be sure about it being \$50 or \$100--I went to Stapler's and got him to cash the check and give him his part of it.
- Q How much did they pay you for your services? A That is all I got.
- Q How much? A I think it was \$100, \$120.
- Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.
- Q Submitted it without remarks? A Yes, sir.
- Q And for that you say they paid you \$120? A Yes, sir; \$120.
- Q Was Houston Benge present when that was one? A No, sir; I don't think he was.
- Q Did you see him then at that time in Tahlequah? A I don't remember.
- Q Were you associated with him in any manner in connection with the case? A No, sir.
- Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.
- Q Were you paid like fees in other cases for like services? A Yes, sir.
- Q In many of them? A Yes, sir, good many.
- Q All like cases? A Oh, citizenship cases.
- Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Lellette can remember, he was there, he was my attorney.
- Q Was it about 1883? A It was somewhere along there, along in 1890 somewhere.
- Q That has been your principal business as a lawyer, has it not? A Yes, sir.
- Q You have never practiced much in any other way have you? A Very little.
- Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$50 a family for doing that? A Yes, sir.

Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case?

A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim you privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKENNON:

Q Now, have you a license to practice in the United States Courts?

A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Afton.

Q How old are you? A 73 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of P. M. Dawson and the other Dawson? A I know old man James Dawson.

Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.

Q How long have you known him? A Well, some four or five years.

I swear.

Q How long? A Four or five years I think.



Q When did you come to the country? A I have been in the country 70 odd years.

Q Well, when did he come to the country, do you know? A Along about somewheres in eighty if I recollect right, might have been later than that.

Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

1.R. MCKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewheres near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

1.R. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 56.

Q Were you ever an applicant for citizenship before the Tehee citizenship Court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Buck Dawson? A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sherbow.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

A Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?

A Well, we were there on the same business and we talked about it at different times, all in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 85 or 90 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.

Q Well, what did he say about the doctor's knowing anything?

A Well, he said he was 85 or 90 years old and didn't know straight up.

Q Well, did he say anything about giving him whisky?

A Well, he said he could give him four drinks of Arkansas whisky and he could swear that black was white.

- Q Did he say anything about the money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was what made the stars go down in Texas and he said "I come to get the star of the land" and he says "I found out it goes here," or words to that effect.
- Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
- Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
- Q Well, where did he go from there? A He and I left there together; he went to Muskogee by way of Fort Gibson and there we parted.
- Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
- Q Where? A Vinita.
- Q Did you refer to the citizenship rather? A I asked him how he come out and he said all right.
- Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.
- MR. MCKENNON:
- Q Your first conversation with him was in '81 was it? A Yes, sir.
- Q What time in '81? A September.
- Q You were then an applicant for citizenship? A Yes, sir.
- Q Were you admitted? A No, sir.
- Q You are still an applicant? A No, sir.
- Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.
- Q What business are you in now? A I am running a dairy in Vinita.
- Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
- Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
- Q You don't know how they found that out? A No, sir.
- Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
- Q Now, did you approach him or did he approach you? A He approached me.
- Q You know him? A No, sir; I suppose somebody I have told someone at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
- Q Now, you say—now was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 88 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
- Q Now, he said that didn't he? A Yes, sir.
- Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
- Q You say you next saw Dawson at Vinita? A Yes, sir.
- Q How long afterwards was that? A About two years, I think something less than that.
- Q Did he come to the Territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.

Q Do you run a dairy wagon there? A No, sir.

Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.

Q Generally? No, sir.

Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Rehears Motion:

BY THE COURT:

Q State your name? A C. G. Braught.

Q What day of the month? A 28th day of last January.

Q What is your post office? A Fairland.

Q How long have you been living in the neighborhood of Fairland?

A Been living there 19 years.

Q Do you know one Bud Dawson or F. H. Dawson as his name is?

A Yes, sir.

Q How long have you known him? A About 18 years.

Q How often do you live from him? A Half a mile or him.

Q Does he still live that place? A I think he does.

Q Were you a applicant for citizenship along about '81 or '2 at

Tableland? A Yes, sir.

Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.

Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the facts that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.

Q Did he state the name of that witness? A No, he did not.

Q Then did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.

Q Do you know what time of the year that was, whether it was in the winter or not? A I think it was in June.

Q Did he make any other statements to you at any other time?

A No, sir, I don't think he has in regards to that matter.

Q You have been living neighbors with him? A Yes, sir.

BY THE COURT:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.

Q You were an applicant; were you admitted? A No, sir.

Q Have you been admitted? A No, sir.

Q You are still an applicant? A Yes, sir.

Q Still trying to get in? A Yes, sir.

Q Where was this conversation had? A Had at Bud Dawson's house.

Q What part of the premises? that is, in his residence?

A Yes, sir.

Q In the house? A Yes, sir.

Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.

Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.

Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.

Q He and you are enemies are you not? A No, I don't think we are enemies.

Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.

Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.

Q Didn't you have his little boy arrested recently for a difficulty?

A Yes, sir.

Q And you say that you are not on bad terms with him?

A Why we speak, have conversation, have right right along all the time.

Q Is it not a fact now that you and he have been all the while at odds? A No, sir.

Q You don't have any unkind feeling towards him? A No, sir.

Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock tomorrow morning.)

March 19, 1902.

Commission convened pursuant to adjournment.

APPEARANCES:

Mr. A. S. McConnon, of Counsel for Applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. LICKELHORN:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.

(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.

Q What is your post office? A Dawson now.

Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.

Q Recognized as such are you? A Yes, sir.

Q How old are you? A There is no family record, my parents died when I was young; I just guess at my age, I am somewhere between 44 and 45 years old.

Q Were you personally acquainted with one Elbert or Buck Dawson?

A I knew Buck Dawson when I saw him.

Q Did you know him in the state of Texas, if so state what time?

A I knew Buck Dawson, knew him and saw him at different dates in Texas.

Q Well, in the year '81 in Clay County, Texas, did you ever see him?

A It was in '81 or '82, I think I knew him in both years.

Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Phipps and Joe Pleston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Pleston were talking in regard to going down there before a man called

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe in the way he spoke, "if I was an Indian I would not be punching cattle, I would have steak eating by grass."

Q What did he say about asking application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.

Q Who was that? A Buck Dawson.

Q Well, did anybody suggest about his going to the Cherokee Nation?

A Yes, sir, I told him, I says "why don't you go to the Seokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."

Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punches, and Mr. Flipin says "Hell, I am going; brother John is getting ready to go now."

Q Well, then what did he say to you? A He says "who are your best lawyers up there, Kenney," and I told him "Hookey Bell was counted the brainest man in our country."

Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?

A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKernon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKernon:

Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Burn County, Texas. B. W. Allerty was my guardian.

Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.

Q About what time? A It was sometime in '80 though.

Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-admitted at Council.

Q When? A I think it was in '87 or '88.

Q Haven't you been arrested for crime and charged with crime?

A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.

Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.

MR. BASTINGS, of counsel for Cherokee Nation:

Q Were you ever convicted? A No, sir.

Mr. McKernon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. HARRART, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HARRART:

Q State your name, please? A Thomas B. Harrart.

Q What is your post office? A Helwin.

Q What is your age? A 40.

Q Are you a Cherokee by blood? A Yes, sir.



- Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.
- Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.
- Q Did you know Aaron Butler? A Yes, sir.
- Q Who was he? A He was a Cherokee Interpreter for the Court.
- Q Do you know James Smith? A Yes, sir.
- Q Who was he? A He was the Nation's attorney before the Court.
- Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.
- Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.
- Q Well, did he say anything about whether he could get his case submitted if he had some more? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.
- Q Well, did you let him have the ten dollars? A Yes, sir.
- Q Where did they go then? A They walked off up towards town.
- Q Did they go together, those three? A Yes, sir.
- MR. McKENNON:
- Q Was that James Dawson, the leading applicant in that case? A Yes, best of my recollection that was.
- Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.
- Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.
- Q Is he living or dead? A I don't know.
- Q Where have you been living? A I have been living down here near Tahlequah.
- Q What was the man's name, Dawson's name? A Jim Dawson I think.
- Q You are certain of that? A Yes, sir; I am pretty certain.
- Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.
- Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.
- Q When did you first make a statement of this matter to anybody? A I guess—I don't remember when.
- Q How long have you been in Muskogee this time? A I have been here since, I was summoned here last Friday.
- Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.
- Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.
- Q Were you born a citizen? A Yes, sir.
- Q You weren't admitted to citizenship by the Court or Council? A No, sir.
- Q You have been living in the Cherokee Nation all your life? A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what?

A None but the Cherokees, the full-bloods called him Joe Aney.

Q What does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.

Q The Dawson case was talked of here for many years, they claiming kin?

A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

- Q What relation are you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.
- Q Who was your father? A Samuel Riley Dawson.
- Q What did you say your father's name was? A Mile Dawson.
- Q Do you know what his full name was? A Samuel Riley Dawson.
- Q What children had your father? A Why, he has got, you mean his first children or his whole family?
- Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.
- Q Just one or two of them I care for; is Mrs. Lewis your sister?
- A Yes, sir.
- Q Your full sister? A Yes, sir.
- Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.
- Q Now who were the parents of your father, Samuel Dawson?
- A Why Sam Dawson was his father.
- Q Sam Dawson was his father? A Yes, sir.
- Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.
- Q What was her given name? A Annie.
- Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
- Q Saw him? A Yes, sir.
- Q Do you know about how old he was when he died? A He was somewhere up about 90.
- Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.
- Q Was your father his youngest child? A Yes, sir.
- Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.
- Q He died in about '90 and was about 67 years old when he died?
- A Yes, sir.
- Q And he was the youngest child? A Yes, sir.
- Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.
- Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?
- A Well, I heard my father speak about it, I don't know that I ever heard my grandfather say anything about it.
- Q Well, what did he say about it? A I have heard him say his mother was not an Indian.
- Q Did you father come here and apply once for citizenship?
- A Yes, sir.
- Q Was he admitted? A I think not.
- Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.
- Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKimmon: Applicants object to the testimony of this witness because it is wholly irrelevant and immaterial.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Reason, 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 his stenographic notes thereof.

(Signed) J. O. Reason.

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(Continued from testimony taken by Steno. J. O. Reason.)

March 19th, 1902, at Muskogee, I. T.

Appearances:

Mr. A. S. McKennon and Mr. Mellette, attorneys for the applicants.

Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

ELBA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A Elba Brashiers.  
Q What was your maiden name? A Elba Dawson.  
Q What was your father's name? A Samuel Riley Dawson.  
Q What was his father's name? A Samuel.  
Q What was your grandmother's name? So far as you know from family history? A Her maiden name was Annie Prustt.  
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Prustt? A Yes, sir.  
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.  
Q And had a sister named Mrs. Petty? A Yes, sir.  
Q And another one named Mrs. McGee? A Yes, sir.  
Q And another brother named John? A Yes, sir.  
Q What relation are you to Mrs. A. S. Lewis? A Sister.  
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.  
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.  
Q About how old were you you suppose when your grandfather died?  
A About 6.  
Q Was your father's birth recorded in the family Bible? A Yes, sir.  
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.  
Q What because of it? A Got burned.  
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.  
Q In 1823? A Yes, sir.  
Q And how old was he when he died, if you recollect? A He was between 64 and '7.  
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians?  
A Yes, sir, they were white people.

Q. You know whether in the family you grandfurther was spoken of by the name of Annie, always? A Yes, sir.

BY MR. MCKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A Alex S. Lewis.

Q What is your post-office? A Dawson, Indian Territory.

Q How old are? A 59 years.

Q What was your wife's maiden name? A Elizabeth Paralee Dawson.

Q Who was your wife's father and mother? A Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?

Q Well, if you know the maiden name of your wife's mother, state how you know it? A Well she was called Margaret, Margaret Queen was her maiden name.

Q The maiden name now of your wife's father's mother? A Why the maiden name of my wife's father's mother?

Q Yes, sir? A From what her husband and my father-in-law told me it was Annie Pruett.

Q What was the name of your wife's father's father? A My wife's grandfather on her father's side, Samuel Dawson.

Q And his wife's maiden name was Annie Pruett? A Yes, sir.

Q Did you know the old gentleman, Samuel Dawson, your wife's grandfather? A Yes, sir.

Q Personally? A Yes, sir.

Q What opportunities had you to get acquainted with him? A He lived with his youngest son, my father-in-law, and visited us, my wife and I, after we were married, at least with us quite a while; I lived near my father-in-law and he visited very often.

Q When did he die? A '74.

Q Have you any particular method of recalling that date? A Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.

Q And when was your first child born? A He was born December, '73.

Q You know how old your wife's father was when he died? A Why he was up in 60, but I don't remember his age.

Q Did the old original Samuel Dawson ever tell you his age? A Yes, sir, several times.

Q How old was he at the time of his death? A He was past 64.

Q Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A Told me she only had one brother named Bob Pruett.

Q Have any of the members of the family named their children after him? A Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his, - oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.

Q Now, what is his name? A Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking so much of Robert Pruett.

Q Did you ever hear the old Samuel Dawson speak of his brother-in-law? A Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long



time; didn't know where he was, or whether he was alive or not.

Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know first? A How many did I know personally?

Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.

Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.

Q And John Dawson was the oldest boy? A Yes, sir.

Q And Samuel R. Dawson was the youngest boy? A Yes, sir.

Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.

Q What was that? A They said he was born in 1811.

Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.

Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.

Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.

Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.

Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.

Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. MCKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.

Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say

as to the date.

Q Before the Cherokee authorities? A Yes, sir.

Q Did he file an application before the Daves Commission in 1885 also? A Him.

Q Yes, sir? A I don't think he did, no sir.

Q Did you? A I did.

Q On account of your wife? A Yes, sir.

Q Did you make affidavit to that application? A No, sir.

Q Who did? A I don't know, don't remember now.

Q You applied for your wife as an Indian by blood did you not?

A Yes, sir.

Q Are you still an applicant? A No, sir.

Q Is she? A No, sir.

Q She was denied was she? A Yes, sir.

Q Was there an appeal taken from that? A Application was filed, I remember, before the Daves Commission, and they rejected it, and then I appealed it to the District Court, and it was rejected, and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.  
Q What? A Charge of murder.  
Q Anything else? A No, sir.  
Q Committed on the train? A Yes, sir.  
Q In a train robbery? A Yes, sir, in a train robbery.  
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.  
Q That all the crime you were ever charged with? A Yes, sir.  
Q Haven't you been having some trouble with the Dawson family?  
A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.  
Q You are not friendly with the Dawson family? A That son-in-law Mr. Fooley, and myself, don't speak, and I don't think his wife speaks to me either.  
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A B. W. Alberty.  
Q What is your post-office? A Tahlequah.  
Q What is your present official position in the Cherokee Nation?  
A Assistant Executive Secretary of the Cherokee Nation.  
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.  
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.  
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)  
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. MCKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No. 108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Rial Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883 D. W. C. Duncan, Clerk."  
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19th, 1883.

No. 102 Robert Dawson, "et al."

vs.

Cherokee Nation

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Ferrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 25 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandfather on Mother's side, she was frequently at my mother's house; though she Anna Pruet lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grand, when I was a little boy she called her daughter Polly Rogers and Capt. John Rogers who ran a boat up the river was the father. The child I saw the girl frequently there at my mother's and when at Lewis Rogers Store I saw her occasionally until I was 11 or 12 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and a c and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiwassee River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?

Ans. 1 Five, I think that's all.

Ques. 2 Did you say anything about someone being married twice?

Ans. 2 The claimant was married twice.

Ques. 3 Could Anna Pruet speak Cherokee?

Ans. 3 Yes she could speak it well

Ques. 4 Did Polly Rogers speak Cherokee?

Ans. 4 She could when she was young.

Ques. 5 How far do you live from Anna Pruet?

Ans. 5 Just across the river about 3/4 of a mile.

Ques. 6 Was Calhoun in the Cherokee Nation?

Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?  
 Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.  
 Ques. 8 Did the claimant go to Texas?  
 Ans. 8 No the claimant didn't go to Texas.  
 Ques. 9 What connection was claimant and Polly Rogers?  
 Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.  
 Ques. 10 Where does claimant now live?  
 Ans. 10 He lives in Carroll County, Arkansas.  
 Ques. 11 Do you know what relation old Captain John Rogers was to Captain Rogers here in Cooweescoowee?  
 Ans. 11 They claimed kin but what kin I dont know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.  
 Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother?  
 Ans. 12 Yes that was her maiden name the Indians called her Sinee.

(signed) Arthur. A. x Baker,  
 Mark

Witness' hand paralyzed is the reason he signs by a mark thus "x".

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tehee Court in 1883. A. Riley Dawson's Step daughter a white woman married a white man, named August Bulnaka."

BY MR. HUTCHINGS: We further introduce envelope N, 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson, (Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:  
 "No. 181. E. Dawson vs the Cherokee Nation. For his grand children's petition for citizenship. Filed Sept. 14th, 1883. D. W. S. Dugan, Clerk of Com. Decided Sept. 13, to be Cherokees."

The contents of said envelope are as follows:

"Office of Commission on Citizenship.  
 Tahlequah, Cherokee Nation, Sept. 14, 1883.  
 E. Dawson,  
 No. 181. vs for his grand children,-  
 Lulu Dauthett,  
 Dallas Dauthett,

F. M. Dawson for claimant introduced sworn and in open Court testified as follows:  
 My name is F. M. Dawson. Am Cherokee by blood passed in the Cherokee Nation on 20 (40 written over 100 years old,

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 35 years old -- She has been dead about 4 years as well as I can recollect, She was about 17 ye rs old when she was married.

his.  
 (signed) F. M. x Dawson, \*  
 mark

Office of Commission on Citizenship,  
 Tahlequah, Cherokee Nation, Sept. 14, 1903.  
 No. 181 E. Dawson  
 for his grand children  
 Lulu Dauthett  
 Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open court testified as follows:

Joseph Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I wa always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I s w Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.  
 My Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Zanie, Bob, Smith, Worth, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his  
 (signed) Joseph x Dawson,  
 mark

To the Commission o Citizenship,  
 Tahlequah, C. N. Sept. 12, 1903.  
 E. Dawson for grandchildren,  
 Lulu Dauthett,  
 Dallas Dauthett,  
 vs  
 Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Lulu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the



Dawson family, who is acknowledged Cherokee by admission of your Hon. Court, at its last session in January, 1833, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(signed) E. Dawson for grand children,  
By O. R. Taylor."

This last document is indorsed on back as follows:  
"No. 181, Petition of Lula, Douthett & Dallas Douthett, for  
Citizenship Filed Sept 14, 1833, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1839.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,  
Tahlequah, C. N. August 11th, 1837.

Docket No.	Name,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Catoosa,	
	2 Parlee Dawson,	44	female		
307	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. G. Dawson,	31	male		Bell &
	6 Elias F. Dawson,	29	"	Applicant for)	Bryant.
	7 Toliver Dawson,	27	"	Cherokee Nation,	
	8 Eva Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancientor	
	12 Cleveland Dawson,	3		John Rogers	
	-- filed August 11th, 1837."				

In red ink written along Age column is the following: "Rejected April 26, 1839."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Gilesey Pruitt, and so be a half-breed of Joseph Vann, commonly known as Rich, and who was of Cherokee blood. It is admitted that John Rogers and Gilesey Pruitt died before the roll was taken which their names would appear if living at the time and specified in the 7th section of the Act of December 8th, 1830, entitled the Commission on Citizenship, was made but in support of the application it is urged that certain members of the Rogers family and full brothers of the applicant were admitted to citizenship by the Commission on citizenship especially those as

"The Peace Court", and the "Appeals Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which influenced the decision of the Commission of the testimony now introduced to authorize the admission of the present applicant, is not relevant to the issue now pending. The 7th meeting of the Act of December 8th, 1886, before named provides, that "the Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States." As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,  
Chairman.

This April 26th, 1889.  
(signed) D. L. Williams,  
Clk. Com'n."

(signed) R. Bunch, Commissioner,  
John E. Gunter, Com'rr.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of K. Dawson; also the judgment in said case, found on page 116, in book Q., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. MCKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, irrelevant and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - - Years, - - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1837, Docket 989, Book C Page 116, Testimony on Journal - - - Page - - - Decision of Commission Rejected, 25 day of April 1889 Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al., } Office Com. on Citizenship,  
(vs) } Cherokee, I. T. Sept. 27th, 1888.  
Cherokee Nation. }

X, Dawson, the said, duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Cooweescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Connell Rogers,

Clk. Cor. on Citizenship."

This document is indorsed on back as follows:

"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,  
OFFICE COMMISSION ON CITIZENSHIP,

Tahlequah, Ind, Ter., Oct. 5, 1897.,

Docket No.	Name	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,	-	male		
2	Williar A. Dawson,				
3	Richard A. Dawson,				

989

C. H. Taylor.

vs.

Applicant for  
Cherokee Citizenship,  
Census Rolls 1835  
Ancestor,  
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 26, 1899."

"Adverse to Plaintiff.

See decision in this case in title of S. R.

Dawson in Book (B) Page 80.

This April 26, 1899.

B. S. Williams,  
Clk Com.

Will P. Hogg,  
Chairman,  
J. E. Carter, Sec."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1835, to 1852, Poll of 18-- Ancestor Moton, Filed the 5 day of Oct 1837, Docket 1017 Book C Page 144, Testimony on Journal- Page -- Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship: Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na. family with their relationship attached is as follows:

No	Name	Sex	Age	Relationship.
----	------	-----	-----	---------------

In witness o which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Doudinot & Rasmus,  
Attorneys."

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind, Ter.

Tahlequah, August 28th, 1889.

Rebecca Dawson)

v. S.

Cherokee Nation.) The above case was called and submitted by

Rasmus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and are not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas -- I. T.

(signed) WILL P. ROSS,  
Chairman,  
J. E. Gunter, Com."

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No	Names	Age Sex	Post Office	Attorney.
1	Rebecca Dawson	48 female	Emmett,	I. T.

1017

Boudinot & R.  
Applicant for  
Cherokee Citizenship.

Census Rolls, 1835,  
to 1852.  
Ancestor,  
Hoton.

V. S.  
Cherokee Nation.

Office Commission Citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug. 28th, 1888.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 193, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145, - said judgment being rendered August 28th, 1888.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"193, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas. Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Hoton, Filed the -- day of 9-18-- Packet 1017, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1888. Submitted by Mr. Rasmus, Aug. 28, 1888."



**"APPLICATION FOR CITIZENSHIP."**

Gentlemen:- The undersigned, your petitioner, this day makes his application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 5th, 1836, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Peter who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee citizenship by blood, and respectfully asks the time when her application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	10	Son.

In witness of which application I herewith set my hand on this the 4 day of October 1897.

Roadnot & Rogers,  
Attorneys.

Mary Dawson,

**COMMISSION CITIZENSHIP,**

Cherokee Nation, Ind. Ter.,

Tahlequah, August 20th, 1899.

Mary Dawson,

vs

The Cherokee Nation

} Application for Cherokee  
Citizenship.

The above case having been submitted by W. F. Rogers, Attorney for Plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 10 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

W. F. Rogers,  
Chairman,  
J. E. Ginter, Secy.

Said envelope also contains the following:

**APPLICATION FOR CITIZENSHIP**

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 5th, 1836, creating your Commission. And, respectfully makes the following statement of the grounds of this her application, to-wit: That James P. Dawson is the son of one Peter Dawson who the undersigned firmly believes was duly enrolled upon the - - - - - Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this her application for Cherokee citizenship by blood, and respectfully asks the time when her application shall be truly heard and tried.

In accordance with the aforesaid law,  
Age - - years; Post-office - - -; family with their relationship  
attached is as follows:

Names,	Sex	Age	Relationship.
Willia A. Dawson	Male		Son.
Richard A. Dawson,	"	"	"

In witness of which application I hereto set my hand on this  
the 4th day of Oct 1887.

(signed) James K. P. Dawson,  
C. H. Taylor, Attorney.\*

The judgment as recorded in Book C, page 145, of the  
records of the Cherokee Commission on Citizenship, is as  
follows:

"Mary Dawson,

Office of Commission Citizenship,

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	female	Bowie, Texas.	
2	Walter Dawson,	18	male		

Boudinot & R.  
Applicant for  
Cherokee Citizenship.

Census Rolls 1835 to 1858  
Ancestor

vs.  
Cherokee Nation.

Office Commission on Citizenship,

Cherokee Nation, Ind. Ter.,

Tahlequah, Aug 28th, 1889.

The above case having been submitted by W. F. Rogers,  
attorney for claimant, without evidence, the Commission decide that  
Mary Dawson aged 54 years, and her son Walter Dawson aged 18  
years are not of Cherokee blood. Post office Bowie Texas.

Attest:

E. G. Ross,  
Chief Commissioner.

Will P. Ross,  
Chairman.  
J. B. Hunter, Com.\*

BY MR. ATTORNEY: The Nation further introduces the original  
envelope in the case of Andrew J. Dawson, which said envelope  
contains his original application; also the judgment in that  
case recorded on page 58, of Book A, of the records of the  
Citizenship Commission of the Cherokee Nation, which said  
judgment was in the custody of the applicant the day  
of said trial, etc., etc.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REJECTED, 26 day of April, 1889. REJECTED."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,

January 27, 1887.

	Age		
Andrew J. Dawson,	44 years	Male	
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	Male
Jessie K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.  
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson all others of the same name admitted to Citizenship by the Territorial Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,

Post-office, (signed)  
Nevada, Mo.

A. J. Dawson &  
five children,  
by C. H. Taylor,  
Attorney."

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,  
Office Commission Citizenship,  
Tahlequah, C. N., Feb'y 11, 1887.

Docket No	Name	Age	Sex
	Family		
1	Andrew J. Dawson,	44	Male Nevada, Mo.
2	E. E. Dawson,	16	"
77	3 Olive M. Dawson,	14	female
4	William H. Dawson,	11	Male Applicants for
5	Jessie K. Dawson,	9	" Cherokee Citizenship,
6	Glennie D. Dawson,	8	female C. H. Taylor.

Rolls 1835,  
Rejected April 26, 1889, (red ink.)

V.S.  
Cherokee Nation.

Filed Feby 11, 1887.

Ancestors,

Adverse.

See decision in this case in that of L. R. Dawson,  
Book P.20.  
rendered April 26- 1889.

D. S. Williams,  
Clk. Com."

BY MR. HUTCHINGS: We next desire to introduce the records  
in the case of this same Andrew J. Dawson, before the  
Commission to the Five Civilized Tribes, filed September 7th,  
1896, and the judgment of the Commission thereon. Number of  
said case being 4,694. And the judgment of said case on Page  
294, Book B., Dawes Commission Record, 1896. Judgment was  
rendered November 17th, 1896, denying the application.

BY MR. MCKENNON: To all of which the applicants object, because  
the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before  
Dawes Commission, 1896, in Andrew J. Dawson, et al., are as  
follows:

Registry Receipt,  
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter.,  
Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed  
to S. H. Hayes, Tahlequah, I. T., (signed) D. A. Frayser,  
L.-P. M.

"Commission to the Five Civilized Tribes,  
Vinita, Ind. Ter., Sept. 7, 1896.  
See that you swear to your petition.

Evidence of service of copies of Chief or Governor  
may be secured as follows: If convenient get his receipt to  
file with your papers. If you cannot do this, register to him,  
and have some interested person to make affidavit in form  
about as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day  
of September, 1896, I saw a package registered at the Post  
office at Vinita, Indian Territory, addressed to Hon. S. H.  
Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that  
registry receipt no. 409, received from postmaster, hereto  
attached, in a receipt for said package, which contained true  
copies of the application of Andrew J. Dawson, and of the  
affidavits of E. Dawson and F. H. Dawson in support of same.  
(signed) S. H. Davidson.

Subscribed & sworn to before me, on this 7th day of September,  
1896.

(seal)

(signed) E. J. Kozmágy,

Notary Public, First Judicial Division,  
of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly accepted for by the Chiefs and Governors.

xxx \_\_\_\_\_  
For the Commission.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabanis and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson, ~~Willia--H--T--Dawson--Jesse--K--B..~~ (Line in ink drawn through these names) for and on behalf of Bonnie E. E. Dawson, Olive Maid Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James E. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,

Andrew J. Dawson,

Enrollment of Family, with relationship attached, as follows:

Names.	Ages.	Relationship.
Minnie E. T. Dawson,	25	Daughter,
Olive Maid Dawson,	23	Daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
James E. P. Dawson,	17	brother.
William A. Dawson,	18	Nephew.
Maggie E. Dawson,	9	Niece.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Niece.

IN WITNESS WHEREOF, I herewith set my hand this third day of September 1896.

(signed) Andrew J. Dawson.



Jurat on back follows:

United States of America,  
Indian Territory,  
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn at test that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,

Subscribed and sworn to before me on this 3rd day of September 1896.

(signed) J. A. Tillotson,  
Notary Public.

(Seal)

My Commission expires June 8<sup>th</sup> 1899.

Indian Territory, )  
Northern Judicial Dis- (SS.  
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwassee river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 68, an act of Nov. 17<sup>th</sup> 1843, page 98. also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, P. H. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1895.

(signed) Andrew J. Dawson.

Subscribed and sworn to before me this 3<sup>rd</sup> day of September A. D. 1896.

(signed) J. A. Tillotson,  
Notary Public.

(Seal)

My Commission expires June 8<sup>th</sup> 1899.

Indian Territory, )  
Judicial Dist. } S.S.

F. H. Dawson, of lawful age, being by me first duly sworn on oath says that he is 64 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have emigrated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

-3-

his  
(signed) F. M. x Dawson  
Mark

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) Frank L. Sharp  
Notary Public. (Seal)\*

"Ind Ter  
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.  
Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,  
Notary Public,

My commission expires June 8, 1898.

(Seal)\*

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation Filed Sept 7-1896 A. S. McKennon, Com'r."

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabanis, A. B. Montgomery, Commissioners.  
In the matter of the application of  
Andrew J. Dawson, Nation's No.....  
Commissioner's No.....

for citizenship in the Cherokee Nation.

Your respondent, S. H. Myyes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, . . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, and all persons included and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither he nor any of his descendants now reside, or ever have resided in the Cherokee, Creek and Indian Territory, as citizens thereof.



share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, W. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,  
(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

Names	Age	Relationship.
Joannah Barber,	60	Daughter of Elizabeth or Betsey
Isaac J. " Husband	65	Petty, nee Dawson, who was a
Chris E. "	26	daughter of Polly Dawson, nee
W. R. "	24	Rogers who was a daughter of
James E. "	18	Capt Jno Rogers and Alley Rogers
Johny "	"	nee Vann a daughter Indian by
Joel A. Barber	28	blood as is shown by proof here- with file.

In witness whereof which I have set my hand on this 5 day of August 1896.

(signed) Joannah Barber."

Indorsed on follows: "Pd 2.50 No. 1111 Petition of Joannah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, would state and show from the proof submitted to the Commission that he is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 3 day of Dec 1837. My fathers name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature Joannah Barber.

INDIAN TERRITORY, }  
FIRST JUDICIAL DISTRICT } 88

Now on this 5 day of Aug personally appeared before me E. J. Watts a Notary Public in and for the said Territory, Joannah Barber, who being duly sworn upon the oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(Seal)"

(signed) R. J. Watts,  
Notary Public.

\*(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty  
to Cherokee Indian Citizenship in the Cherokee Nation, Indian  
Territory.

Affidavit of S. R. Dawson.

Delaware District, )  
Cherokee Nation, )  
First Judicial Division, )  
U.S. Court, Indian Territory. ( SS

S. R. Dawson, to me well known to be reliable  
and respectable, after being duly sworn according to law  
states on oath, that he is a bona-fide citizen of the Cherokee  
Nation by blood- that he is a resident of said Nation- that  
his post-office address is Alton, I. T.; that he is fifty-one  
years of age- that he is well acquainted with the claimant  
Joannah Barber and has as long as he has known any person- that  
she is of Cherokee Indian descent- that her maiden name was  
Joannah Petty- that she was the daughter of one Elizabeth Petty,  
a person of Cherokee Indian descent- that Elizabeth Petty's  
maiden name was Elizabeth Dawson- that said Elizabeth Dawson  
was the daughter of Polly Rogers, a person of Cherokee Indian  
descent, who intermarried with Sarnel Dawson, a white man- that  
he said Polly Rogers was the daughter of Captain John Rogers  
and Ailsey Vann both well known Cherokee Indians.

Claimant is not directly nor indirectly interested in the  
result of this application.

(Impress of  
National Seal)

(signed) S. R. Dawson.

Subscribed & Sworn to before July 6 1892

(signed) W. P. Hubbard,  
Notary Public."

United States of America,  
Indian Territory, (ss  
First Judicial Division.

I, William F. Rasmus, a Notary Public within  
and for the Judicial Division aforesaid, do hereby certify  
that the next above in the within one page of an affidavit  
is a true and literal copy of the original as presented to me  
at Tahlequah, Ind. Terr., this the Third day of July A.D. 1893.

(signed) William F. Rasmus,

Notary Public, First Judicial Division, Indian Territory.  
(Seal) My Commission expires Feby 3, 1897."

(A copy)

In the matter of the claim of Joannah Barber (nee Joannah Petty)



to Cherokee Indian Citizenship in the Cherokee Nation, Ind. Ter.

A Affidavit of E. Dawson,  
Coccoscooee District,  
Cherokee Nation,  
First Judicial Division,  
U. S. Court, Ind. Ter.

E. Dawson, so well known to be reliable and responsible, after being duly sworn according to law states on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Tahlequah, Ind. Ter.-that he is 38 years of age- that he is well acquainted with the claimant Joannah Barber &c has been as long as he has known any person- that she is a person of Cherokee Indian descent the her maiden name was Joannah Petty- that she is the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor is indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this 24th day of February 1897.

(signed) A. E. Williams,  
Notary Public.

(Imprint of  
National Seal  
here.)  
Com. Expt. Sept. 26/96.

United States of America,  
Indian Territory, S 3  
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and that within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind. Ter. this the third day of July A.D. 1897.

(Signed) Wm. F. Rasmus.

(Seal) Notary Public, first judicial Division: Indian Ter 1-  
toxy, My Commission expires Febry 3, 1897.)

United States of America,  
Western District of Arkansas, SS.

In the case of one Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner, U. S. Court within and for the District of Arkansas duly authorized to administer oaths, W. F. Rasmus, who is personally well known to be reputable and entitled to credit, and who being by me duly sworn according to law, did state and

and says: My name is W. A. Dawson, my age is 58; years; my post-office address Tulsa, Ind. Terr. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T., by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joannah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joannah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(signed) W. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terr. this third day of December A.D. 1904.

(signed) W. J. Rasmus,  
United States Commissioner.

(seal)

UNITED STATES OF AMERICA. )  
Western District of Arkansas. )ss

In the case of Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner of the U. S. Dist. Court within and for the District also named duly authorized to administer oaths Francis H. Dawson, to be made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis H. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terr., I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joannah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joannah Barber to me as first cousin- and I know that the said Joannah Barber therefore is of Cherokee Indian blood.

(signed) F. H. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terr. this 17th day of November A.D. 1903.

(signed) W. J. Rasmus,  
United States Commissioner.

(seal)

Indexed on back as follows: No. 1 filed Feb 24 1907,  
Jas. A. Winston, Clerk.

"Page 20, Locket "B"

Joannah Barber.

Office Commission on Citizenship,

Tahlequah, C. N. August, 1887.

Docket. No.	Names	Age.	Sex.	Post Office.	Atty.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Erna Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	17	female	applicant for	
7	Onice Barber	17	female	Cherokee Citizenship	
8	Joel Barber	31	male	Rolls 1835	
9	Galaway Barber	27	male		
10	Toliver Barber	10	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
				V.S.	John Rogers &
				Filed Aug. 12, 1887.	Aicy Pruet

See decision this case in that of L. R. Dawson, adverse to claimant in this book page 20. This April 26th, 1889.

D. S. Williams,  
Clerk cor.

Will. P. Ross, Chairman,  
J. E. Gunter, Cor."

"S. R. Dawson.

Office Commission on Citizenship,

Tahlequah, C. N. Aug. 11th, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	66		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J. "	35	female		
5	J. G. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Erna Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. H. Dawson,	9	male	R	
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	
				Filed Aug. 11, 1887.	John Rogers
				Rejected April 26, 1889.	

Now this day covers the above case for final hearing. Samuel R. Dawson bases his application for re-admission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the alleged daughter of Captain John Rogers, and Chilney Pruet said to be half sister of Joseph Vann cor. and known as Rich and who were of Cherokee blood. It is admitted that John Rogers was

Calley Pruett died before the 7th section of the Act of December 31st, 1886, creating the Commission on citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on citizenship commonly known as the "Texas Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consular one which determined the definiteness of those commissions or the vesting now introduced to determine the admission of the present applicant is not relevant in the issue now pending. The 7th section of the Act of December 31st, 1886, as amended provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of the Cherokee taken by the United States, or hereinafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Ch. Insp.,  
 T. Bunch, Commissioner,  
 John E. Senter, Commissioner.

This April 28th, 1889,  
 D. S. Williams, Clerk Com.

United States of America, )  
 Indian Territory, )  
 Northern District. ) ss.

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skiatook, Ind. Ter. that he was born and raised in the above said Nation and Territory: that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irene J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers - he was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of: that the said Capt. John Rogers this affiant's grandfather lived at Oriskany Hall, D. C. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had one sister and two brothers viz. Captain Rogers, Lewis Rogers, George Rogers, Volney Rogers, Granvil Rogers and a daughter (name not recalled) that he (this affiant) was present and saw the bodies of the above said Volney Rogers, Granvil Rogers and Lewis Rogers, who were killed when this affiant was a child.

This affidavit states that he was 34 years of age, that his father, Charlie Rogers died, that his father never had any other children (this is in his own handwriting) brothers or sisters than the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. Hesse, was not a sister of his father; that his father never had but one sister viz. Cynthia Rogers and this affiant never heard of; that this affiant was well acquainted with his aunt Cynthia Crump.

Just here the following is inserted on separate paper:

EXECUTIVE DEPARTMENT OF  
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct copies and transcripts therefrom.

In witness whereof I have signed this affidavit and affixed the Great Seal of said Cherokee Nation, at Tallahassee, this, the 5th day of Feb. 1896.

(seal) (signed) John L. Adair,  
Executive Secretary.

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for a number of years prior to her death.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that his affiant was about 30 years of age when his aunt, Cynthia Crump died; that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers.

Affiant states that his father told him a number of times, that this affiant's grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers sailing or running a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith nothing more.  
Rogers.

Subscribed and sworn to before me on this 1st day of October, 1896.

(signed) William H. Hall,  
Notary Public.

(seal) My Commission expires January 16th, 1898.

United States of America, )  
Indian Territory, )  
Eastern District. )

Mrs. Sarah Carter being first duly sworn, states that she is a citizen and resident of the Cherokee Nation, Ind. Terr. and her present age is 38 years, that she is 38 years of age.



Affiant states that she is the daughter of Charlie Mogen; that her grand father or her father's side was Capt. John Rogers. Affiant further states that T. G. Rogers is her brother, and that she has read the foregoing affidavit of T. G. Rogers, and she knows the contents thereof, and she believes that the facts therein set forth are true and are fully believed.

(Signed) Sarah Carter,  
Subscribed and sworn to before me this 1st day of October, 1900.

William H. Hall,  
Notary Public,

My Commission expires January 1st 1900.  
(2-1)

"Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKenyon, T. B. - (name torn off) A. B. Montgomery, Commissioners,

In the matter of the application of Nation's No. 1575  
Jennah Barber Commission's Form.  
et al-  
for citizenship in the Cherokee Nation.

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, called her attention to the said application, and for the grounds thereof as follows:

1st. That the Commission has no jurisdiction over the parties or subject matter of this controversy, and not legal right, therefore, to hear her application, and so.

2nd. That the application does not state facts sufficiently in detail to show that the applicants are entitled to citizenship.

Respondent now waiving the alleged defect, but insisting upon the facts for reasons to wit: application, signed by John Rogers through which the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not new, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, to the Indian Territory as at present located and designated, that his name does not appear upon any of the authentic rolls of said Nation; that neither they nor any of their ancestors nor parents or grandparents have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Having fully answered your respondent asks to be once dismissed.

S. H. Hayes, Principal Chief of Cherokee Nation.

By Enclosure, Hartigan, & Gaudinet, Attorneys.

John L. Adams, Secretary of Cherokee Nation, having been first duly sworn, deposes that the matter contained in the foregoing affidavit is true, to the best of his knowledge and belief.

(Signed) John L. Adams,  
Subscribed and sworn to before me this 1st day of Oct. 1900.

(2-1)

(Signed) W. H. Hall,  
Notary Public.

Indorsed back as follows: "1874 90 Nation's No. 1577, Constitution's No. .... In the application of No. 3 Joanna Barber Demurrer and Answer Filed Mar 13 1897 Jas. A. Winston, Clerk / Filed Oct 7 1896 H. H. Secovay, Secy."

"BEFORE."

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4<sup>th</sup> 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:

Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians,

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Chris P. Barber, William I. Barber, James P. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Toliver Barber, George A. Barber, Frankie C. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Inez Barber.

In the matter of the application for citizenship in the Cherokee Nation of Edna L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for citizenship in the Cherokee Nation of Edna Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rhenby Moore and Gladys Moore.

In the matter of the application for citizenship in the Cherokee Nation of Attie L. Hunt and her child, to-wit: Dorman Hunt.

In the matter of the application for citizenship in the Cherokee Nation of Alice J. Start and her children, to-wit: Georgia A. Start and Amy M. Start.

In the matter of the application for citizenship in the Cherokee Nation of Joannah J. Garlinghouse and her children, to-wit: Myrtle C. Garlinghouse, Cora L. Garlinghouse and Birtina L. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the claim of the aforesaid claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Petty, is a daughter of Elizabeth Petty, nee Dawson, one of the granddaughters of Polly Dawson, nee Rogers and a great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Barber, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Murphy, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Ella Moore, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you place the name of each claimant, together with the names of their aforementioned children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Corning & Watts,  
Council for Petitioners.

Indorsed on back as follows: "No 3 Filed Feb 24 1897,  
Jas. A. Finston, Clerk."

Commissioners,  
Henry L. Dawes, Frank C. Armstrong, Archibald S. McAllister,  
Thomas B. Cabaniss, Alexander B. Montgomery—H. K. Jacoway,  
Secretary,

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,  
Vinita, Indian Territory, Oct 2, 1896,  
Filed Sept. 8, Answer Filed,  
Application denied.

Joanna Barber,  
vs.  
Cherokee Nation.

I, H. K. Jacoway, Jr., Secretary, do hereby certify that  
the above and foregoing is a true and correct copy of Cherokee  
Re ord A. page 297 of U.S. Commission to the Five Civilized  
Tribes.

Given under my hand and official signature this 12  
day of Feb. 1897.

H. K. Jacoway, Jr.,  
Secretary.

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897  
Jas. A. Finston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED  
TRIBES.

JOANNA BARBER et al.  
vs.  
Cherokee Nation.

No. 1864.

AFFIDAVIT FOR APPEAL.

Now come the said Joanna Barber et al applicants for citation  
in this case by W. H. Smith, one of their attorneys,  
and the said Cherokee Nation by the Honorable  
Commission to the Five Civilized Tribes District Court as provided  
by the act of Congress passed June 15 1896.

And the said W. H. Smith, being duly sworn and sitting  
on behalf of the said applicants do hereby depose and say that he did appear for  
in this case and was duly sworn for the purpose of being sworn before  
Justice of the Peace for the said Cherokee Nation.

Subscribed and sworn to before me this 24th day of Feb. 1897  
1897.  
(SEAL) W. H. Smith, Attorney.

Commissioner of the Five Civilized Tribes  
Vinita, Indian Territory

Indorsed: "Court 1897"

Received of H. L. McCoy, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of  
----- vs ----- Nation, as follows:

Witness my hand and official seal at Muskogee this 25th day of Feb'y 1897.

(SEAL)

(signed) J. Q. Winston, Clk."

Indexed: "Court" 90 No. 1864. receipt for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this . . . day of . . . 189. . . Secretary."

"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,  
NORTH BR JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber Onis E. Barber, William R. Barber, James  
H. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber,  
Ella Moore, Attie L. Hunt, Alcey J. Smart, APPELLANTS.

vs  
CHEROKEE NATION,

APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION  
TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the Court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created and empowered to treat with the Five Civilized Tribes of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indians, and to pass upon and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an Act of Congress passed and approved June 10th, 1896, and by which decision on the 29 day of October, 1896 the aforesaid appellants were denied their rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their rights to citizenship in the Cherokee Nation, as aforesaid are as follows: to-wit: The affidavits of E. Dawson, S. R. Dawson, T. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the fact that said applicants are Cherokee Indians, by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said affidavits, together with the application, of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the aforesaid affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:



FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying the same during the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellees in support of the answers filed by the appellees and denying the appellants the right of filing a replication to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as warranted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send subpoenas and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the location of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket and record the reasons upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELFTH. That the Act of Congress approved June the 16th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in hearing the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records relating hereto in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to do or

at this Court and plead and defend against the same, showing that the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)

W. B. Watts,  
A. H. Garland,  
W. J. Watts,  
Attorneys for Appellants.

Indorsed on back: "Cherokee Citizenship Case, No. 20 No 5 Jeanina Barber et al vs Cherokee Nation filed Dec 23 1886 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

"SUBPOENS.

TO WHOM THESE PRESENTS SHALL COME,  
United States of America,) (ss.  
Indian Territory, )  
Northern District.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 1897—a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Jeanina Barber, Gnis E. Barber, Wm R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Mrs Moore, Attie L. Hunt, Abney J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will take due return of this subpoena within ten days after the actual service of this writ.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 22th day of Dec. 1886 A.D. 1886—

(signed) J. A. Winston, Clerk.

(SEAL)\*

MARSHAL'S RETURN.

I received this subpoena the 23rd day of December A.D. 1886 and served the same as follows: W. T. Kitchin, Attorney for the Cherokee Nation under Assigned Service on 1st day of January, 1887 for court is 12th day of January 1897.

(signed) W. B. Watts

BY ..... Deputy

Indorsed on back as follows: "Citizenship Case No. 90  
No. 6. Nation... vs. No. 90. Atty. Gen. Clerk's Office."

Joanna Barber et al.  
vs. No. 90.  
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom this  
case was referred, submit the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,  
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL )

-vs.- )

: REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION. )

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I, H. A. Gibson, Special Master herein, show to this Court  
that under the general order herein, I have examined the  
proofs and pleadings herein, which is hereto attached and are  
a part of the proof, and that I find as follows:

I

In this case was instituted on September 30th, 1898,  
before the Dawes Commission to the Five Civilized Tribes, by  
Joanna Barber, and Isaac J. Barber, her husband, and their  
children, Onis E., William E., James E., Johnnie and Joel A.  
Barber; that Joel A. Barber had the following children:  
Mattie Taliver, George A., Frankie C., Jesse and Etzel Barber.  
That the application included also Mary A. Barber and her  
child Inez Barber, Emma L. Murphy and her child Clara Murphy,  
Eva Moore and her children Anna J., Jackson D., Ruby and  
Gladys, Attie L. Hunt and her child Bernard Hunt, Alvey J. Smart  
and her children Georgia A. and Emzey H. Smart, Joana J.  
Garlinghouse and her children Lyrtle C., Corn L. and Bertha  
M. Garlinghouse. That this application was by the Commission  
tried and rejected on October 29th, 1898, with no reasons  
given for the decision, and that subsequently on December 23,  
1898, the claimants appealed to this Court, that the parties  
all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to  
citizenship in the Cherokee Nation by reason of their  
descent from Polly Rogers, who is claimed to be a Cherokee  
Indian by blood. That I've filed in support of their application  
the affidavits of S. R. Dawson, F. Dawson, Francis A. Dawson,  
and F. A. Dawson, who testify that Joanna Barber is the  
daughter of Elizabeth Estay, nee Rogers, who was the daughter  
of Polly Rogers, and married a white man by the name of  
Samuel Dawson, and that Polly Rogers was the daughter of  
Captain John Rogers and Alley Young. That these witnesses  
are all Cherokee citizens by blood, and were with the

claimants, and according to their testimony, related to the  
by blood.

The appellee introduces to controvert this testimony  
the decision of the Cherokee Commission on citizenship,  
rendered in the year 1897, in which these claimants were  
rejected by this Commission and also the affidavits of T. C.  
Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter,  
a granddaughter of Captain John Rogers, both of whom state  
that they never heard of any daughter of said Captain John  
Rogers by the name of Polly Rogers, and that Cynthia Rogers  
was his only daughter.

III

The claimants contend that they are residents of the Cherokee  
Nation, and the relatives of the Dawson family, who are  
recognized citizens of the Cherokee Nation by blood, and  
entitled to be admitted to the Cherokee Nation as citizens  
by blood, and the appellee contends that John Rogers, through  
whom the claimants claim, is not a citizen and has not been a  
member of the Cherokee Nation since the removal West; that  
his name does not appear on the rolls of the Cherokee Nation,  
and that neither his ancestors ever resided in the Cherokee  
Nation as citizens thereof.

The reasons considered, in view of the unsettled condition  
of affairs in the Cherokee Nation at the time when John  
Rogers, the ancestors through whom these claimants trace  
their Cherokee blood, lived, and especially in view of the  
absence of a marriage law and of records pertaining to  
marriage, I am of the opinion that these claimants have proved  
that they are descended from Capt. John Rogers, who resided in  
the Cherokee Nation, and was a recognized citizen, though  
they do not show that he was ever enrolled as such, and I  
therefore find that the claimants are all residents of the  
Cherokee Nation, Indian Territory, and that they are all  
Cherokee Indians by blood. That they have resided in the  
Cherokee Nation since 1897, and probably longer, though the  
proof does not state definitely how long they have so resided.

I ask that the Court allow a reasonable fee for my  
services here in as Special Master.

Respectfully submitted this 16 day of August, 1897.

(Signed) H. A. Gibson,  
SPECIAL MASTER.

By me paid.

No Exceptions filed.

BY THE COURT.

From this report it appears that the claimants  
base their right to be enrolled as citizens of the Cherokee  
Nation upon the grounds that they are the descendants of a  
Cherokee Indian by blood, but their ancestors through whom  
they claim have never resided in the Cherokee Nation as now  
constituted. It appears that they have resided in the  
Cherokee Nation since 1897, and probably longer, though the  
proof does not state definitely how long they have so resided.  
It does not appear that the applicants or any of their  
ancestors have ever been recognized as members of the Cherokee  
Nation.

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."

Indorsed on back: "90 No. 7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jas A. Winston, Clerk."

Foreigning papers in Joanna Barber case enclosed in jacket indorsed: "90 Joanna Barber et vs Cherokee Nation."

"NOTICE.

1890

UNITED STATES OF AMERICA ) In the United States Court for  
INDIAN TERRITORY (SS said District.  
NORTHERN DISTRICT. ) In the matter of the application  
of Joanna Barber et al to be  
enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec, 1896. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk."  
Indorsed: "No. 1664 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foreigning paper enclosed in jacket marked: "No. 1664."

BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1890, the court number of same being 230, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the Nation, number 108, before the Citizenship Commission, and which was made January 19, 1892.

BY MR. McKINNON: To all of which the applicant's object, because the same is immaterial, irrelevant and incompetent.



The papers in Court No. 230, just introduced above, are as follows:

"Office of Commission on Indian Land,  
Cherokee Nation, Tahlequah, January 19, 1883.

No. 100.

Robert Dawson, et al., vs. Plaintiff.

Cherokee Nation, vs. Plaintiff.

and more in the same case.

Witness, my name is Bill Dawson, and my address follows:

My name is Bill Dawson, I reside at Ferryville Arkansas Carroll County, and I have never been a Cherokee. I lived in the Cherokee Nation from 1840 until 1845 when I first came to Arkansas. I have never been married since he became a citizen of Carroll County. I was 25 years old at my mother's house near Calhoun. I had a dispute with the claimant's Robt Dawson grand father. I don't know where she was frequently at my mother's house until she died. I lived in the Nation side. She claimed to be half Cherokee. The first time she brought the claimant's mother to my mother's house she the mother's mother was about grown when I was a little boy. She called her daughter Polly Rogers, said Captain John Rogers who ran a boat up the River was the father of the child. I saw the girl frequently there at my mother's and there at Louis Russos Store.

I saw her occasionally until I was 15 or 16 years of age and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and she and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she said, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River. Anna Pruett resided in the Cherokee Nation as long as I stayed there to the Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson's children is Huck, John, Marian and two girls. The child named in the petition I recognized as being the claimant.

Question by Solicitor:

- Q. 1 How many marriages did Polly Rogers have?
- A. 1 Five I think that's all.
- Q. 2 Did you say anything about some one being married twice?
- A. 2 The claimant was married twice.
- Q. 3 Could Anna Pruett speak Cherokee?
- A. 3 Yes, she could speak it well.

- Ques 4 Did Polly Rogers speak Cherokee?  
 Ans. 4 She did when she was young.
- Ques 5 How far did you live from Anna Pruet?  
 Ans. 5 Just across the river about 3/4 of a mile.
- Ques 6 Was Calhoun in the Cherokee Nation?  
 Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
- Ques 7 Which Harnage was it went to Texas?  
 Ans. 7 George went first, then John went, they were the sons of old Sam Harnage, that lived up near the line.
- Ques 8 Did the claimant go to Texas?  
 Ans. 8 No the claimant did not go to Texas.
- Ques 9 What connection was claimant and Polly Rogers?  
 Ans. 9 The claimant is the son of Polly Rogers  
 Marion here is the grandson of Polly Rogers.
- Ques 10 Where does claimant now live?  
 Ans. 10 He lives in Carroll Co Arkansas.
- Ques 11 Do you know what relation old Capt John Rogers was to the old Rogers here in Coovesawcooves?  
 Ans. 11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first come to this country about the year 1830.
- Ques 12 Was Anna Pruet the maiden name of claimants grandfather?  
 Ans. 12 Yes that was her maiden name the Indian called her  
 Since his

(signed) Arthur A Baker  
 Mark

Witness hand paralyzed is the reason why he signed by a Mark this x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,  
 Asst. Exec. Sec.

(seal)

To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irena J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joseph Barber her father, who is a Cherokee Indian by blood. The said Joseph Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (alay Vani) Pruet, Cherokee Indian, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:  
J. House, aged 34 years; Chas. C. House, aged 9 years; Hanson C. House, aged 8 years, Amy V. House, aged 5 years.

Witness my hand this 19 day of August 1896.  
(signed) Irene J. House.

Northern Judicial  
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.

(signed) Irene J. House.  
Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D. 1896.  
(signed) J. Barricklaw,  
Notary Public, My Commission expires  
June 8 1899.  
(seal)

"Exhibit A.  
Northern Judicial Division,  
Indian Territory.

Joannah Barber being duly sworn according to law, on oath states by name in Joannah Barber I am 61 sixty one years old my Post Office address is Tutova Ind Ter- My husband occupation is Farmer and a Cherokee in Coconawcoover Dist I am a Cherokee Indian my mother by mother being Elizabeth Petty (nee Dawson) daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Elizabeth Rogers is a daughter of Capt Rogers and Anna Vann (nee Vann) called Aisey Vann the following Irene J. House is my daughter; she was born in Williamson County, Texas May 17<sup>th</sup> 1863 moved with her husband children to the Indian Territory and settled near Talala I Territory

(signed) Joannah Barber  
Subscribed and sworn to before me this 19<sup>th</sup> day of Aug. 1896.  
(signed) J. Barricklaw,  
Notary Public, My Commission expires  
June 8 1899  
(seal)

"EXHIBIT B.

Indian Territory,  
Northern Judicial District ss.

F. H. Dawson being duly sworn according to law deposes and says:

My name is F. M. Dawson; I am 54 years of age; My post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers

The said Elizabeth Petty was the mother of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, the facts stated as occurring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(Signed) F. M. Dawson.

"Indian Territory,  
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal)

(Signed) John H. Koogler,  
Notary Public."

Northern Judicial District,  
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a Farmer by Occupation, and reside in Coconoescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polloy Roger come West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of ~~Joanna Barber~~ who is a full cousin by blood of this affiant on the Indian side, the said ~~Joanna Barber~~ is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barricklaw, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occurred before the recollection of affiant he testifies to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this 19 day of August 1896

(signed) J. Barricklaw,

Notary Public, My commission expires June 3, 1898.  
(seal). Notary Public.



\*Cherokee Nation,  
Cooverseesee District.

EXHIBIT E.

Before us the undesignated authority this day personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn: deposes and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a niece of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Amie Dawson whose children (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.  
(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.  
(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:

"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

"Received of E. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs. .... Nation, as follows.....  
Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."  
(Seal)"

Indorsed: "Court No. 238 No. 5464 Receipt for original papers in the case of Irene J. House vs. Cherokee Nation, Received and filed this ..... day of ..... 189..."

"Irene J. House et al,  
vs. No. 238  
Cherokee Nation.

Mr. N. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSKOGEE.

IRENE J. HOUSE ET AL

VS

NO. 238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

-----000-----

I, N. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 2, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 30, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, E. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Peley, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsay Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsay Vann, who were all recognized Cherokee Indians.

II

The appellee introduced in defense the record of the application of these claimants to the Cherokee Commission on citizenship in the year 1897, and the record of the rejection of the claimants, and further the affidavits of W. J. Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, and are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriages, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1867, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 1 day of Nov 1897.

(signed) H. A. Gibson,

Special Master.

My fee \$200.

No Exceptions filed."

Foregoing papers enclosed to cover as follows: "238, Irene J. House et al vs Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, clerk."

Foregoing papers enclosed in jacket endorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

BY MR. H. A. GIBSON:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. V. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. GIBSON:

Q Please state your name, age and residence? A My name is D. V. C. Duncan, my age is 28 years, my residence, Vinita, Indian Territory.

Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.

Q You gave testimony in this case once before did you not, before the Daves Commission? A I did.

Q Before this Commission I will say, this Commission? A The Daves Commission? A Why I don't recollect who the Commission was, that was taken at Vinita, ex parte.

Q Were you in any way connected with the Cherokee Citizenship Commission in 1895 known as the "Teebo Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existence of that Commission.

Q You were the only clerk it had during its existence were you?

A I think I was.

Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.

Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.

Q Thomas Teehee, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, that is correct, is it? A That's correct.

Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.

Q Were you at that time acquainted with F. M. Dawson, one only called "Bud Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely knew Mr. Dawson; all I know of him was I saw him there as a party to the suit. I know Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.

Q They were recognized Cherokee citizens were they? A They were.

Q Was Taylor not known generally as a Citizenship Attorney?

A I think he was.

Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.

Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that: who brought the case?

Q Who called up the case? A No, I don't recollect.

Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.

Q Was that in favor of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.

Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.

Q Did Bud Dawson pay you any money in connection with that case?

A He did not.

Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.

Q Or paid you any money, either directly or through any other person? A For my influence in that case?

Q Yes, sir? A Never.

Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.

Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the session of the Commission; I saw but very little of him during the recesses of the Commission; now and then I would see him in passing.

Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judg-





Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some days, two or three months; I happened to meet Mr. Taylor in Tahlequah; I was on the street I think, peculiarly I clasped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me or not, says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking it again, or possibly for doing him these little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. MCKENNON: We offer in evidence the judgment of the Cherokee citizenship commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim and it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tennesse Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tichenor, President, Alex Wolfe, T. F. Thompson, Commissioners. B. F. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

Citizens Commission on Citizenship,  
Tahlequah, C. N., September 24th, 1881.  
No. 108

- Robt Dawson,
- Albert Dawson,
- Jasper Dawson,
- John Dawson,
- Josiah Dawson,
- Joseph Dawson,
- Jane Dawson,
- Molly Dawson,
- William Dawson,
- James Dawson,
- Eliz Dawson,
- vs.
- Cherokee Nation.

Petition for Citizenship

Continued by the Plaintiff, Oct. 11, 1881.

The case was continued by the Cherokee Nation...

... term. Action by the parties that the same shall not be taken  
up for final disposition before the 1st day of Oct., 1902,  
October 1st, 1902.

It is agreed by the parties that the case shall be finally  
disposed of at the next January term of the court  
presently hereinafter the case, if pending, shall be con-  
sidered to the effect of the 1st day of Oct., 1902.

On this agreement is carried over, and shall  
the next January term to wit, January, 1903.

And how this the 1st day of January, 1903, the  
case coming on for final hearing, the court, as stated  
in the case being carefully read and fully considered by the  
commissioner, it was adjudged and determined by the Commission  
on citizenship that the claimants, Robert Dawson, E. H. Dawson,  
Albert Dawson, Luther Dawson, John Dawson, Joseph Dawson,  
Joseph D. Dawson, Kate Dawson, Sally Dawson, Elbron Dawson,  
Jesse Dawson, and Rial Dawson, 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 they are, hereby admitted to the full and  
entire enjoyment of the same in all respects as native born  
Cherokees.

(Signed) Theo. Jones,

President of Court.

D. W. C. Bacon,

Clerk of Commission.

Alex Wolfe,

T. F. Thompson,

Commissioner,

et al.

Transcript issued to claimants, January 11th, 1903,

(Signed) D. W. C. Bacon, Clerk.

Marginal Note: "Case admitted by plaintiff January 11th,  
1903. Case submitted by Solicitor January 11th, 1903."

Q. Do you recollect how many members of the court were present when  
this judgment was rendered, or were all of them? A. My recollection  
upon that point is not positive, but from my statement upon what  
I know to be the practice of the court at the time, seeing the  
names of all these Commissioners there, I can say with a great  
deal of positiveness that they were all present, because I never  
signed the name of one of the Commissioners unless he was present,  
according to it or directed it.

Q. The rendition of that judgment then was concurred in by all of  
the three judges? A. Yes.

Q. If there had been a decision pending the day before  
the case was in court, and the court was in session, and the  
case was not decided, would you have signed it? A. I certainly could have  
signed it.

Q. The rendition of that judgment then was concurred in by all of  
the three judges? A. Yes.

Q. If there had been a decision pending the day before  
the case was in court, and the court was in session, and the  
case was not decided, would you have signed it? A. I certainly could have  
signed it.

Q Do you remember to have seen any other copy of the Dawson  
file about the Court at that time than the Dawson? A I have  
been thinking, and I don't want to say that I saw any other  
Dawson except this, until after they came into the country subsequent  
to the rendition of the judgment.

(At this point a party who had been sitting in the room  
in which the examination is being held, is called forward  
upon the behalf of applicants, and asked to retire until called.)

BY MR. BURTON:

Q Mr. Dawson, when did you become clerk of the Texas Commission  
Court? A It must have been somewhere in December, 1884, at the  
time the Commission was organized in a lobby of the close of the  
Council in which they were appointed.

Q December 1884? A I think so.

Q What are you doing rendering judgments here in your handwriting  
in 1887? A The Commission held its Court after they were elected  
sometime.

Q The Court was elected in 1881 wasn't it? A Well, I mean the time  
I don't pretend to say when the Court was elected, I don't have  
said at the time I was chosen clerk, I was chosen clerk just at  
the close of the session of the National Council of that year.

Q 1882? A I think it was '84.

Q You entered this judgment rendered January, 1887? A Yes,  
that was the session of the Commission.

Q That was before you were clerk of it? A Well, I held my clerk-  
ship for some time you know continuously.

Q Well, but when you are asked to say that you were clerk when the  
Dawson case was passed on? A No, I don't mean to say that.

Q How could you be clerk when the Dawson case was passed on in  
1887 when you were not elected until 1884? A I don't know in  
that, '84 comes after '83, - it was the year preceding 1885, it must  
have been '82.

Q Your first entry in the Dawson case is a entry 13, 1884, isn't it?

Q I don't recollect what my first entry was. (Attorneys show the  
record to witness) Yes, that is the entry there on that day.

Q And that was shortly after you became clerk wasn't it? A Yes,  
shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk?

A I think so, you know it was entered at the previous term of the  
session of the Commission.

Q In those proceedings was the name of the three commissioners  
signed as witnesses? A Dawson, Burdett.

(Attorney reads record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately gave them that day  
a transcript of the judgment, do you know who signed that? A  
Signed by me.

Q Yes, but I do not recollect now, this is, did the witness  
signed the record to it? A Yes, that's it.

Q You signed the record as a set of hands and folks didn't count

I don't know if they generally don't count of their attempting  
to sign his own name? A Yes, I don't know.

Q I don't know if they generally don't count of their attempting  
to sign his own name? A Yes, I don't know.

Q I don't know if they generally don't count of their attempting  
to sign his own name? A Yes, I don't know.

Q I don't know if they generally don't count of their attempting  
to sign his own name? A Yes, I don't know.

Q I don't know if they generally don't count of their attempting  
to sign his own name? A Yes, I don't know.

Q I don't know if they generally don't count of their attempting  
to sign his own name? A Yes, I don't know.



Q Will you look at the original transcript hereby shown you and referred to in the judgment and say who signed the names of the Commissioners there? A [Papers shown to witness] A I signed them there.

Q You recognize that as your handwriting? A I do.

Q That was you when you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, bet or than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting, and not entered by Mr. Thompson under the rule, but was one of those cases, in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Teneo and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was quite certain by reflecting on the rule that they never signed their names with their own hands, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third line, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that there was a possibility that the signature of the opinion that that might have been Mr. Thompson's signature was like this; I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I am such a deceiver—but his orthography in a at least, was recognizable to my own, hence I doubted whether I had signed that name or not on that account.

Q You were aided somewhat at that time in your testimony by the fact that Mr. Thompson also swore that that was his handwriting and not yours, didn't he? A Mr. Thompson I stating that that was his handwriting set my mind to work to ascertain whether I was not mistaken or not, and after so long a time I concluded that I was.

Q And he stated, and you too didn't you, that he always got over the original himself when he was present? A I do not recollect that I stated, that I used the word "always", at that time, but at the time I was examined upon the deposition was his only impression was that he did, but when I came to collect and examine the docket I was convinced that I was wrong, that occasionally I signed for him.

Q Did you ever find out that your testimony given sometime like a year and a half ago was wrong until you examined the docket before yesterday, and compared yours and Thompson's signatures? A I don't know, but I have thought of it since that time until yesterday of day before the examination of the docket.

Q And your recollection that you have got and the only aid to your recollection that Thompson was present when this judgment was rendered was the fact that you are himself signed to it, in your handwriting, is it? A As a fact,

Q You can show that you or not? A That seeing the handwriting aids my recollection and I recollect now that the commissioners were all present at the time that I signed it, I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollection that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes, A They were present.

Q Did you make up the record at the time that they rendered the judgment, or gave a command or it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature: that is the practice.

Q But in this Darn case you wrote it on the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave that a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the date of the transcript.

Q That was a very unusual thing for you to do in entering up judgments? A To do what?

Q To gather the bottom that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other places in that record or were that in any event that you gave ever done that? A I don't recollect, and as I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision whether it was the same day or the evening, and if not next day, I don't recollect.



IT NOW BEING THE HOUR OF NOON, 12 P. M., THE COMMISSION  
ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, TIME-1:45, P. M. - APPROPRIATELY, -SOME OF THE  
FROM: H. W. C. DRICAN AGAIN ON THE STAND.  
BY MR. HUTCHINGS:

Q Do you remember what witnesses were before the Court? A I  
don't recollect now distinctly except Dr. Baker, but I remember his  
mainly because of the length of his testimony at the time it took  
to take it.

Q The Doctor was about the only distinct witness there was? A He  
is the only one now that I can call to mind.

Q There was probably another old duskey that testified was not  
there? A I have no recollection to that effect.

Q The case was just decided really on Doctor Baker's testimony,  
is it about the only man that knew anything about the case? A I  
am not certain that Dr. Baker was the only witness; right have been  
others that has now escaped my recollection.

Q Doctor Baker's testimony was taken down in writing? A Yes.

Q There was not anybody else taken down in writing was there?

A All the testimony that was accepted in the case was taken down  
in writing.

Q Did you ever see anybody's else testimony in writing except  
Dr. Baker in that case? A That is not as I recollect, I don't  
recollect any other but Dr. Baker's.

Q You know whether that was taken immediately before the trial  
or at the trial or how was it? A It was taken in the presence  
of the three Commissioners during the session of the Court.

Q You mean the day that the case was decided or how? A I do not  
recollect whether the case was on trial more than one day, but my  
impression is that it was.

Q Do you know whether it was the same term of the Court or not?

A I think it was the same term of the Court.

Q How many terms a year did that Court have, when now you did  
they last? A I don't recollect of but serving but one term.

Q Don't recollect the serving but one term? A Myself, it seems  
to me so.

Q You didn't go in until January of 1838 did you; your first  
record is a record of about the 13th of January 1838, as shown  
by the book, isn't it? A I don't recollect in that regard.

Q Now would they take testimony in the case, then continue it, or  
how would they proceed about that? A I think they decided on  
the case at the term in which they took testimony.

Q Can you say whether or not this testimony was taken in this case  
at the time it was decided or at the next term if was decided, or  
within a week or two of the time it was decided? A My own recol-  
lection is that it was taken at the term in which it was decided;  
once was taken by, I think, that the decision was made at  
the conclusion of the term.

Q Will now, I'll be glad to see, M.C.S. in your handwriting, the  
following entry reads: "It is agreed by H. Hutchings and W. C. Drican  
shall finally be decided at the next January term, 1838, and would  
be January, 1838, the case is given to the Court, in case,  
if not, the case shall be continued to the next term, 1838,  
or this case out the Court shall continue to the next  
term, January term, 1838." Is that correct? A Yes, that is  
correct.



BY MR. MCKENNON: Examinants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. PORTNER, being first duly sworn, and being examined testified as follows:

BY MR. MCKENNON:

- Q What is your name? A B. F. Portner.
- Q What is your age? A 54.
- Q You are a Physician are you not? A I am.
- Q Where do you reside? A Vinita, Indian Territory.
- Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Council of the Indian Territory and of the American Medical Association, those are some, and the most important positions I hold at this time.
- Q Are you a Cherokee citizen? A I am.
- Q By blood or intermarriage? A Intermarriage.
- Q Your wife is a citizen? A Yes, Sir.
- Q Do you know D. E. C. Juncos? A I do.
- Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
- Q Do you know his general reputation in the community where he resides for honesty and uprightiness of character? A I do, I think.
- Q Is that good or bad? A It is good.
- Q Do you know Marshall Taylor? A I do.
- Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about six or eight years.
- Q Do you know his general reputation for truth and veracity? A I do.
- Q Is that good or bad? A It is bad.

BY MR. MCKENNON:

- Q Mr. Duncos belongs to the same church you belong to? A Yes, Sir.
- Q And how long a member of years? A Well now I say I think he does; I have always understood.
- Q Don't mess up with all your members? A No, but he has attended church there and by observation has been that he is a member of the church.
- Q You didn't have any business before the citizenship court of which he was clerk, did you? A No, Sir, not that I know of.
- Q You were not at all times while he was clerk of a court from 1882 to 1883? A I don't believe I was.
- Q Never had any business before that court? A Had no business before that court, he was clerk in my the lodge.
- Q You were not a member of the church in it is still standing in a court of law? A No, Sir.
- Q I will ask you if you know Taylor's reputation in the community? A Yes, Sir, I have no objection to it.
- Q I will ask you if you were a member of the court, were you before the court in 1882? A No, Sir, I was not a member of the court.

Q But so far as you know his bad reputation dates back so far  
as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined,  
testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Miller.  
Q What is your age, Mr. Miller? A 61.  
Q Where do you reside? A Vinita.  
Q How long have you lived there? A Well I have lived there  
altogether about 12 years I guess, or 14.  
Q Are you a citizen of the Cherokee Nation? A No, sir.  
Q What is your business? A Real estate and insurance agent.  
Q Do you know D. V. C. Duncan? A Yes, sir.  
Q How long have you known him? A I have known him twenty years.  
Q Do you know his general reputation for honesty and uprightness  
of character where he lives? A Yes yes sir.  
Q Is that good or bad? A It is good, so far as I know.  
Q Do you know Campbell Taylor? A Yes, sir.  
Q How long have you known him? A Well I have known him 13 or 20  
Years, I guess.  
Q Do you know his general reputation for truth and honesty? A Well  
yes.  
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

V. H. CURTIS, being first duly sworn and being examined  
testified as follows:

BY MR. MCKENNON:

Q What is your name? A V. H. Curtis.  
Q How old are you, Mr. Curtis? A 56.  
Q Where do you reside? A Arton, Indian Territory.  
Q How long have you lived in the Indian Territory? A 30 years.  
Q What is your business? A Lumber business.  
Q Do you know D. V. C. Duncan? A I do.  
Q How long have you known him? A About 20 years.  
Q You know his general reputation for honesty and uprightness  
of character in the community where he lives? A I do.  
Q Is that good or bad? A As good as any man's.  
Q Do you know Campbell Taylor? A I do.  
Q How long have you known him? A Some 20 years, I suppose.  
Q Do you know his general reputation for truth and integrity and  
honesty? A Yes sir.  
Q Is that good or bad? A Bad.  
Q Is it notoriously bad? A Yes.  
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville,  
Arkansas? A Yes sir, I knew him in '68 and '69.  
Q Where? A Over at Berryville; I ran a saw mill in that country  
at Berryville.  
Q Did you know his general reputation so far as honesty and upright-  
ness of character and truthfulness? A Yes sir.  
Q Is that good or bad? A Good sir, Good as any man's; he is a  
good old fashioned gentleman.  
Q Did you know him well enough to know his habits of life? A Yes  
sir.  
Q Was it in the habit of taking liquor, drinking liquor? A Not  
that I know, or sir, I never saw him take a drink in my life.







Q Is years from that time he was liable to be in his doctor's  
 I I don't know, he was an old man when I knew him.  
 Q He was capable to work, and retired from business then? A Well  
 he did work a good deal, but wasn't doing any business particular  
 that I know of.  
 Q He must have been pretty old if years from that time? A Yes,  
 he would be getting old.

B. M. HARRIS, being first duly sworn and being examined,  
 testified as follows:

BY MR. McKENNOP:

Q What is your name? A B. M. Harris.  
 Q What is your age, Mr. Harris? A I am 44.  
 Q What is your business? A I am publishing a newspaper.  
 Q What paper? A "The Indian Chronicle."  
 Q Are you Editor of that paper? A Yes sir.  
 Q You live at Vinalia, Va., is that right? A Yes sir.  
 Q Are you a citizen of the Cherokee Nation? A Yes sir.  
 Q By blood or intermarriage? A Intermarriage.  
 Q Do you know D. F. G. Durbin? A I do.  
 Q How long have you known him? A 18 or 19 years.  
 Q Do you know his general reputation in the community where he  
 lives for honesty and upright character? A Yes sir.  
 Q Is that good or bad? A Good.  
 Q Do you know Campbell Taylor? A Yes sir.  
 Q How long have you known him? A Why 15 years or longer.  
 Q Do you know his general reputation for truth and honesty in the  
 community? A His general reputation, yes sir.  
 Q Is it good or bad? A Well it is not good.  
 Q Is it bad? A Well I suppose it must be bad then.

BY MR. HUTCHINGS:

Q How long has Campbell's reputation been bad, Mr. Harris,  
 quite a good while, hasn't it? A Why I think so, yes sir.  
 Q And it kind of began mostly with this citizenship business?  
 A Yes, so far as I know it did, yes sir.  
 Q Campbell got his bad citizenship cases and through the courts,  
 and they finally had him up about it, had a good deal of stir about  
 it? A Yes sir.  
 Q And some of that stir was sort of occasioned by his inability  
 to get along in what's it? A I don't know, I don't know whether  
 he failed the courts.  
 Q The fact that one of the principal cases that brought his name  
 notoriety? A I don't know whether he had that case or not, I  
 know he had a good many cases.  
 Q That was the principal thing that got around the time Campbell  
 out, was citizenship cases here? A I think that is what got his  
 into the most trouble.  
 Q I say before that time, how do you talk about Campbell  
 one way or another, and in regard to his general reputation  
 was anything really different? A Yes, and he was a bad reputation  
 from that time on.  
 Q How Mr. Durbin's connection with the Durbin case and of both  
 got back; people never talked much about it? A I never heard  
 anything about it, as I know of.  
 Q You have heard that there was a bad reputation, you know the  
 name's case, that was a notorious thing? A Oh it was a  
 notorious case, yes sir.  
 Q Tell the fact of Mr. Durbin's reputation for honesty and  
 how something about it? A Well, as far as I know, it was  
 is that?



THOMAS A. CHASLER, being first duly sworn and being, examined, testified as follows:

BY MR. HORTON:

- Q What is your name? A Thomas A. Chasler.
- Q What is your age, Mr. Chasler? A I am 30.
- Q What is your business? A Deputy clerk of the United States Court at Vinita.
- Q How long have you lived in the Caspary Hotel? A All my life.
- Q Do you know D. T. C. Logan? A Yes sir.
- Q How long have you known him? A Not so long, I have known him about nine or ten years.
- Q You know his general reputation for honesty and integrity of character in the community where he lives? A Yes sir.
- Q Is it good or bad? A Good as far as I know.
- Q Do you know Campbell Taylor? A Yes sir.
- Q How long have you known him? A I think about 15 years.
- Q Do you know his general reputation for honesty and integrity? A Yes sir.
- Q Is it good or bad? A Good so far as I know.

BY MR. HUTCHINGS:

- Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.
- Q You never knew him until 1885? A Well I never knew him personally, I heard of him before that.
- Q He had a bad reputation before 1885? A Yes sir.
- Q Had reputation very bad indeed? A First I remember I ever heard of him I heard people speaking bad of him when I was a child.
- Q And everybody that came through the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80, I think that's about the time.
- Q But Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.
- Q You heard his reputation in reality and being the rails for these business? A Yes sir, I heard of his being in the Fort Smith Jail on that account.
- Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.
- Q And I think heard he had a bad reputation for being his double, also, about the same time.
- Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.
- Q He could have went out of wed citizenship except? A Yes sir, I am not sure.
- Q You never heard Mr. Logan's name mentioned before in connection with the Logan case, did you? A No sir, I don't think I have, I may have, but I don't remember hearing it.
- Q General impression that not every man had some responsibility with that matter, citizenship cases? A I heard some say that but I don't know.
- Q I heard some say that the Logan citizenship cases were the worst of them, I don't know if that is true or not, but I don't know.

Q And he is a money maker, talked a good deal about it, I don't think it was ever investigated, I don't know about that, I don't think it was ever investigated, I don't know about it.





TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID WHERDYN, being first duly sworn, and being examined, testified as follows:

BY MR. WOODRUFF:

- Q State your name? A David Wherdyn.
- Q Where do you reside? A Atlanta.
- Q How old are you? A 47 or 48 years old.
- Q Did you ever know James Dawson? A Yes sir.
- Q How long have you known him? A I know him probably 2 years.
- Q Did you ever have any talk with him about his application case?
- A Yes little.
- Q You were at one time an applicant before the Dawes Com. Is that an allegation were you not? A Yes sir.
- Q Tell what did Mr. Dawson tell you with reference to his application, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his application.
- Q Where did that conversation take place? A At Afton.
- Q At what time? A It was in '22, spring of '23.

BY MR. WOODRUFF:

- Q Where were you when he told you that? A I was working on a house in Afton, building a house.
- Q Where was he? A St. S. Haines.
- Q Was he in the presence of Haines when present?
- Q Where is he? A At Afton.
- Q What age was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.
- Q Was he not a very feeble man? A Yes sir.
- Q Hardly able to get around? A No sir.
- Q Was he not then regarded as a feeble minded old man? A I don't know whether he was or not.
- Q You don't think what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that had to get the application made, etc. That is the way I look at it anyway.
- Q Did you ever apply yourself were you not? A Yes sir.
- Q Where? A At that time.
- Q Before the Cherokee authorities? A Yes sir.
- Q They rejected you? A Yes sir.
- Q You were an applicant then before the Dawes Commission was it not?
- A Yes sir, they rejected me ever since.
- Q Are you still an applicant? A Yes sir.
- Q Still trying to get it? A Yes sir.
- Q Claiming by blood? A Yes sir.
- Q How long have you been living in the Cherokee nation? A 13 years.
- Q Where did you come from? A England.
- Q How long have you been a Cherokee citizen? A Yes sir.
- Q How long? A 13 years.
- Q How long have you been in the nation? A Yes sir.
- Q How long have you been in the nation? A I don't know probably 13 in two years since '13.

TESTIMONY ON BEHALF OF THE GOVERNMENT.

Recalled and further examined, testified





or not I don't know; he was generally always at Washington City during the war down there.

Q Well what did he do about it? A I can't know, I couldn't say, I don't know anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A Well I got a letter from some Bryant that he was going to Washington City and for me to come down in January 1862 and Campbell Taylor would see to it all before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't know, I got the letter.

Q Well what did you do then? A Well when the time came I come down on the city to Annapolis here and I come over from here to Fort Gibson and I goes down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got all the way over my shoulder by case to the court; I went over a one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.

Q Did he say it was done? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they want to take the vote in the case and then he was drove out of their room and they had a secret session, acting on the case.

Q Was Houston Benge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q Was there an argument before the Court then? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after that did he submit the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted to set up the cigars in the court and the crowd in the house; after the decision was rendered then I was to set up the cigars, and everybody come to go and told me to go and get the cigars and I then do.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that were in the house, all had a big crowd.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Court then.

Q What did you do about it then? A Why the clerk wrote me out by certificate.

Q That was done? A That was done.

Q What was done then did you have with Mr. Benge about his fee, what was the amount of his fee? A There was an arrangement made until we got the money and he submitted on a case then he wanted to be 200 dollars, I paid him 100 dollars and he then do.

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Q What was done then did you have with Mr. Benge about his fee, what was the amount of his fee? A There was an arrangement made until we got the money and he submitted on a case then he wanted to be 200 dollars, I paid him 100 dollars and he then do.

Q Did you ever see that man before? A No sir.

Q You said that you paid him fifty dollars after he got out to Tallapoosa, did you not? A I never paid him a cent in my life.

Q After that judgment was rendered, where did you go to? A I went to Tallapoosa.

Q By what route? A I went by Siloam Springs and on by Spring Dale and then on to Rogers, took the railroad there and went on by Sallis and by here a Springfield home.

Q You then did not return to Fort Gibson with Keister, is that so, as he stated? A No sir, I did not.

Q Did you not return by way of Fort Gibson? A Well I thought maybe the others took the cheap road and struck a hack going out to Springfield where I was boarding at, I could go to Siloam Springs and I think by that route and then there was a hack going to Spring Dale, that was the best direct route.

Q That was the best direct route from your home was it not? A Yes sir.

Q At what place? A At the cheapest route.

Q Had you been going back to Fort Gibson you would have been paid directly away from the court wouldn't you? A Yes sir.

Q Your home is nearly east, due east of Tallapoosa is it not? A Yes sir, little north of east, pretty near due east.

Q While Fort Gibson is almost due west is it not? A Southwest.

Q You heard him state that you went to Fort Gibson through Tallapoosa and as you were going to Tallapoosa you were to reach the court through Duncan and you reached the court through Duncan, did you not? A I never had, I didn't have the five hundred dollars to reach it.

Q Did he state at Tallapoosa in the court room he was waiting before this judgment was rendered in your favor, tell me what the court had rendered a judgment against you? A No sir.

Q And did you then say to him, you know, "fix that"? A I had no such conversation with him.

Q Did you pay to D. W. Duncan, who was the clerk of the court any sum of money, or agreed to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.

Q Or for any other purpose? A No sir.

Q Did you pay him any money after that through Campbell Taylor? A Yes sir.

Q That amount? A 20 or 25 dollars, I don't know which it was.

Q State what that money was paid for? A For a claim.

Q What do you mean by a claim? A Claim on the public account; he had a claim on that since he was on the Cherokee Public Board.

Q What did Campbell Taylor have to do with your case? A He had nothing to do with it.

Q Did you pay him any money for his services as an attorney?

Q Did you pay him any money for his services as a representative?

Q Yes sir.

Q How much? A 20 or 25 dollars.

Q Did you pay him any money for his services as a representative?

Q Yes sir.

Q How much? A 20 or 25 dollars.



Q How did you get that 25 dollars out of Mr. Joe Bryant?

A I got it from him. He was collecting at Joe Bryant's. A Joe Bryant told me he didn't, and he went to get it again, and Joe Bryant the hundred dollars was brought to me by E. D. Duce. Paid Joe Bryant a fifty dollar bill and got the money from Campbell Taylor, and this twenty dollars or twenty-five dollars, and in all I ever got back from him.

Q How did you get that 25 dollars out of Mr. Joe Bryant? A I went after him and told him to pay that money back to me, he rendered no services to me at all and the money was to go to Joe Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.

Q The amount that he paid to Duce? A Yes sir. Q Was this money paid to him, this one hundred dollars, while you were there at the time the jury had rendered, or was it sent to him afterwards? A I think it was paid then, as well as I can see about it.

Q You think it was paid then? A Yes sir, that's my recollection now.

Q Did you send him one hundred dollars after you went away from there, subsequent to the rendering of that jury, after it was rendered in court, directly in the way fifty dollars or part of any other sum to D. W. E. Duce? A No sir.

Q Did you send him a second one hundred dollars with a check directed?

A No sir. Q Mr. Duce, do you know where it cost your family to all to obtain their citizenship in the Cherokee Nation under this judgment? A Pretty near \$100.

Q Well about that sum? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of my money, that I was beat out of and expenses.

Q Now take recollection of what that money was paid for and how, so far as you remember, itemize it to me? Well the first fifty dollars Duce got; the next fifty dollars was a got; that was the attorney's fees; I speak of the attorney's fees too; the next money was the hundred that Campbell Taylor got; the next attorney's fees was Bryant's one hundred dollars.

Q Was that all the attorney's fees? A I think it was, no, wait, I paid some 15 dollars for taking Baker's deposition.

Q Which was the that? A The old Chief, Bill Ross I think, was his name, William P. Ross.

Q He then, this Chief William P. Ross for taking the deposition of Mr. Baker charged you fifteen dollars? A Yes sir.

Q He was charged that that he acted as an attorney and examined him? A Yes sir.

Q How did that go before the commission, and his father's wife, and what other witnesses were there present? A Mouth of Yaw was there.

Q Well, how did that go? A The expenses of taking the depositions and the... well as I got a hundred dollars... A Yes sir.

Q How did that go? A The expenses of taking the depositions and the... well as I got a hundred dollars... A Yes sir.

Q How did that go? A The expenses of taking the depositions and the... well as I got a hundred dollars... A Yes sir.

Q How did that go? A The expenses of taking the depositions and the... well as I got a hundred dollars... A Yes sir.

Q Well? A Well I made several trips out here at different times, to Tallagash before the commission, and back, three or four times, as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you remember how many trips aside from the one I mention you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and when I made one trip to Glendale to see A. H. Woodard.

Q What did that trip cost you? A I don't remember what it cost, I went in a wagon down there.

Q You went through and crossed ponds, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 22 dollars, one or the other, I don't remember which it was, Joe Dawson, my brother-in-law, he had the money, it was either 21 or 22 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Albert Dawson was better off than the others, that I mean.

Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the bridge debt and the Brent debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that he came up on one trip and taken some evidence with Joel Brent & when Joel Brent was clerk of the court before this Texas court, I don't know what that cost him.

Q Care to be sworn and sworn to testify? A Yes, sir, and he went back to Texas, filed his claim and that was his testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined there? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tallagash.

Q He had taken the testimony before you left him or after you left?

A He taken it afterwards, that was my understanding.

Q Did Buck furnish only the one hundred and fifty dollars that you now remember? A I think it was.

Q And the expense of taking these witnesses up there? A Yes sir.

Q And the expense of taking these witnesses up there? A Yes sir.

Q And the expense of taking these witnesses up there? A Yes sir.

Q And the expense of taking these witnesses up there? A Yes sir.

Q And the expense of taking these witnesses up there? A Yes sir.

Q And the expense of taking these witnesses up there? A Yes sir.

Q And the expense of taking these witnesses up there? A Yes sir.



Q Did you see any witness any other way? A No sir, I said Mr. ...  
Q Did you see any other witness any other way than that? A No sir,  
Q Well, the Robert Dawson case? A Yes sir.  
Q He says that you told him this in your house there on your  
place, did you have any house there in June 1887? A I was not  
living on my farm at that time.  
Q Did you have any farm? A Didn't have any.  
Q When did you build a house there? A I built a house on the  
farm I live in now by Mr. Brought, I moved on the farm the last  
of July, 1883, and I carried in my wagon.  
Q What did you do? A I went to the timber and cut poles and  
hauled them out and made me a log cabin on the place by a spring  
near Mr. Brought.  
Q About what time did you finish that house? A It was in  
September.  
Q How long after you finished that house until you brought your  
family out? A I finished it and got it covered and the floor in  
it and I went back to Durka Springs after my wife.  
Q What family did you have then? A I had my wife and she had one  
child; but my oldest children, by my first wife were with me in  
the territory, coming with me; three little boys and one girl  
were with me, and one girl back in Arkansas.  
Q Are you and C. G. Brought on good terms? A No sir.  
Q What has been the character of the trouble between you? A  
Trouble over our place first started it.  
Q When did it begin? A As soon as I got back from Arkansas he  
convinced my neighbors to go out to take my farm away from me,  
and we have been in a racket ever since.  
Q Then his statement that you were on friendly terms, is it correct  
or not? A No sir, it isn't correct.  
Q He and you have never been friendly as neighbors then since you  
first came back from Arkansas and settled in the Territory? A I  
don't remember ever being in his house; I never was in his house.  
Q Have you had law suits with each other? A Yes sir.  
Q How many? A I don't know that we had any particular law suits,  
but I have had law suits and he has been a witness against me.  
Q What was your last trouble with him, when I meant? A Along last  
fall.  
Q That was when your boys had a little racket and he had your boy  
arrested? A Yes sir.  
Q What was the age of those boys? A Eleven years old.  
Q He had him arrested down at Vinita? A Yes sir, had him arrested  
and carried before the Commissioner at Vinita.  
Q He was discharged on account of his age? A Yes sir.  
Q Black Dawson is dead is he? A Yes sir.  
Q How long has he been dead? A Three years, little over three  
years.  
Q And Sarah Dawson is dead? A Yes sir.  
Q In your father, Robert Dawson Dwyer? A So is.  
Q When did Sarah Dawson die? A I don't know when she died  
several years ago, I don't know how long, I don't know, I wouldn't  
know.  
Q How long has she been dead? A I believe it was in  
the Territory.  
Q How long has she been dead? A I believe it was in  
the Territory.

Q There that live here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.

Q Robert Dawson, your father, never did vote to the Territory, did he? A No.

Q Did you hear the statement of the witness Weaver this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson came down there with someone else was introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.

Q He says that Jan James Dawson was 37 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.

Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the doctor here.

Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.

Q About what age? A Must have been 60.

Q Between 60 and 70? A Yes sir.

Q That was the age of your brother James? A At that time?

Q Yes sir, in '84? A In '84 I suppose he was about 18, some-thing like that.

Q Had he anything to do with the James Dawson case? A No sir.

Q Was he present at the time that the James Dawson case was under consideration? A No sir.

Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.

Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.

Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?

Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.

Q Were you acting with them? A Yes sir.

Q They employed Campbell Taylor? A Yes sir.

Q Then there was no James Dawson present during that session of the Commission? A No sir.

Q What was the condition of James Dawson's health at that time?

A It was pretty poorly; was not good.

Q Was he at that time able to get about and attend to business?

A I don't think he was.

Q Was he not a very feeble, indeed old man at that time? A Yes sir.

Q Reported as rather a silly man was he not? A Yes sir.

Q Did he attend to any kind of business of the family at that time?

A No sir, didn't.

Q What was his financial condition? A Pretty bad.

Q Did he have any money? A No sir.

Q Did he have any property? A None hardly at all; horses probably on a cow or two, something that way.

Q Was that about all the property he had? A Yes sir.

Q How about the other members of his family that were considered at that time? A The other members of his family that were considered at that time were my father and my mother and my wife and my two children.

Q How then would these judgments very probably have been made if they fully resided in the Territory, Cherokee Nation, I will say?

A Robert Dawson and family and James Dawson and family, and my two children.

Q Robert Dawson didn't remove names? A No, I said except Robert Dawson.

Q Did all the members of Robert Dawson family live here? A Yes sir.

Q Except himself? A Yes sir.

Q And all the members of James Dawson family? A No, not all the members, Melvina how I don't think ever lived here.

Q She has never resided here? A No sir.

Q Were all the members of your family, your father's family included in that judgment of the committee, rendered January 11th, 1893? A All but one.

Q What was the name of that one? A Fena.

Q A daughter? A Daughter of Robert Dawson.

Q Your sister? A Yes sir.

Q Was she then of age or was she a minor? A I think she was of age, as well as I can remember.

Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.

Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two other heirs.

Q What are their names? A Katie Vernon and Verna Fishback.

Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they were readmitted back by the act of Council.

Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir, Mary and Verna Fishback and Katie Vernon, they have now the same names but except Vernon, it is not, Tob Robinson married the widow, a niece of mine.

Q How then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '87 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three who you have just named? A Yes sir.

Q That? A My two of my sons was placed on the roll by the act of Council in 1893 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and so I might say member of Council, got their draft or checks for the money.

Q Have you got that copy of the act of Council admitting them? A Yes sir.

Q Where is it? A (Produces papers.)

BY MR. PROSECUTOR: We offer in evidence an act of the Cherokee National Council making an appropriation of \$2,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount and names their respective names, provided that the principal shall draw warrants for such amounts, and further provided that the names of the persons a hearing on the per capita rolls is this not shall be closed (and) the authorized bill of law by the Principal Chief.

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Q When? A In 1894.

Q What was that? A Allowing them their Strip money.

Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. MCKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blasingame family, as follows: Jane, Elbert, Henry, James Ross Lennie, Pearl, Aros, Lyrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and those names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of \$265.70.

Q Were these members of the Robert Dawson family? A Yes sir.

Q Which one of the members of the family? A Jane.

Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.

Q Any other children? A Her children, was not admitted, she was admitted.

Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was

to Cherokee citizens by blood only or not? A Yes sir.

Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.

Q What was that? A That, I think it was in '84.

Q Have you got a copy of that act? A No, the record is here.

Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. MCKENNON: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. MCKENNON: Attention is called to the fact that the names of the commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, September 18th, 1884.

E. Dawson, for his grand-children, )

No. 181.

Lula Douthett,  
Dallas Douthett,

The Cherokee Nation.

( O. H. Taylor,  
Att. Gen. Claim,

) Petition filed September  
14th, 1884.



Case decided by old state court 1831.  
Case submitted to Solicitor, Sept. 14th, 1831.  
Continued by petitioners Jan 22 1832 to September Court  
1834.  
Re-sidited by petitioners and 1834, by Mary Taylor and Convent  
submitted by defense Sept 1834.

And you will find the 13th day of September 1834 some of this  
case for final deciding and all the evidence in the case  
having been carefully read, and considered by the Commission  
on Citizenship it has been decided by the Commission that the  
above named John Taylor and his children are citizens  
by blood, and that they are entitled to all the rights and  
privileges of Cherokee citizenship in the Cherokee Nation  
and that they should be, and are hereby admitted to the full  
and complete enjoyment of the same in all respects, as native  
born Cherokees.

W. L. Smith, Secy.

John Lee.

John L. Adair,  
Clk. Com.

Andrew Young,

Com. Indian or Citizenship.

Q How were there any other children of the Cherokee authorities  
of like character relating to the others of your family?

A I don't recollect of any others.

Q I will ask you if when the Cherokee authorities were  
making the roll of 1832, in compliance with the request of the  
Dane Commission for a roll to be prepared by them for the use of  
the said Commission, the question of the citizenship of the  
members of your family was not then raised, and an investigation  
had in regard to it? A Before the roll was made.

Q No, before the Cherokee Commission making the roll of 1832,  
of which John T. Taylor was a member? A Yes sir, yes, I had  
it, but since you have asked it there was an investigation of  
the roll at that time; this is what I understood.

Q That roll shows that the members of your family were duly  
enrolled by the Commission? A Yes.

Q How soon and the other members of your family since your removal  
to the Territory in 1837 and immediately following had been admitted  
as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee  
citizens by blood since that time? A Yes sir.

Q Are not all the members of your family now living in the Cherokee  
Nation? A Yes sir.

Q You have not drawn property taxes whenever they were due? A  
Yes sir.

Q You have been all voting when you have been voting at the Cherokee  
elections as in the Cherokee elections? A Yes sir, I was one of  
the voters at the election that was held before the State.

Q What position? A I was one of the voters at the election for  
the Cherokee Nation, and at the election for the Cherokee Nation.

Q Is that all? A Yes, I believe it is all that I can say.

A Yes, I believe it is all that I can say.

A Yes, I believe it is all that I can say.

A Yes, I believe it is all that I can say.

A Yes, I believe it is all that I can say.



Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.

Q Is that all? A (No reply).

Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.

Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.

Q Have they been tried for any offences against the law? A Yes sir.

Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.

Q And had suits instituted against them in such courts? A Yes sir.

Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.

Q And were passed upon by that tribunal? A Yes sir.

Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.

Q He was a very old man? A Yes sir, he was getting tolerably old.

Q Could you tell how old he was that you? A No I don't know.

Q Mr. James Dawson in 1864 must have been a very old man, didn't he?

A Well he was old and he was feeble.

Q Well you stated that he had been so silly; was he naturally that way? A He used to live in Texas; I didn't know him until after he came to the Territory.

Q I say he had gotten so old, that was the occasion of that?

A I suppose so, the eldest one of these children was Mrs. Betty Baker, that's your understanding.

Q And the oldest boy was John Dawson? A We always called him Jack.

Q Jack Dawson was the oldest? A Yes sir.

Q And the youngest? A Sam Riley.

Q He was the youngest one of the crew? A Yes sir.

Q Your father lived four or five years after he and you were admitted to citizenship? A Yes sir, something about that, it was in 1837, I think he died in 1837, I won't be positive; that is as near as I remember now.

Q I have got a headache so bad that I can't remember anything.

Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.

Q Not a one of them was ever called upon to testify as to the blood of their father, who she was or anything about it? A I don't think they was.

Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it?

A I don't know, I couldn't answer the question.

Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.

Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.

Q They were very well known Cherokee families in the country?

A I am sure so, I don't know.

Q And the nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know what my father says, he taken some of the evidence at Yulegan.

Q When I saw that case, he first filed his claim.

Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.

Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.

Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.

Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.

Q You went off, came to Arkansas and left your brother at Tallahassee after you told him that fact? A Yes sir.

Q You didn't see your brother any more until after you were admitted? A No sir.

Q You and he however made trips back and forth to Tallahassee and home at different times, but you didn't happen to get together? A No. I never met him any more and I don't know what he was there until after we were admitted.

Q But you were there and brought Dr. Baker over? A Yes sir.

Q And took his testimony a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.

Q Now the way you came to get Campbell Taylor was on the recommendation of old Sam Bryant? A I didn't get him, didn't use him.

Q The way he came into your case? A The way he claimed to come in.

Q He did more in your case than Bryant did? A Campbell didn't do anything.

Q What did Bryant do? A I think he helped my brother take evidence by brother employe him.

Q How did you happen to be sending money by Campbell to Mr. Duncan? A I never sent him any money.

Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.

Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.

Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.

Q The family kept Campbell Taylor employe though as their attorney after that? A In the James Dawson case I think so.

Q Mr. Dawson, you remember, had his for his grand-children? A That is my understanding.

Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Lawson had that. Jackson got him; that was my understanding of who employe him.

Q The record here, that's that the case was originally filed in the name of E. Taylor and was finally admitted by the court in 1884. In the James Dawson case? A I don't deny not being there.

Q That was the name in the E. Dawson case? A Yes, that was the name in the Dawson's children's case.

Q The name of the case was Campbell Taylor testified to the fact that he was employe to him, and Mr. Taylor testified to the fact that he was employe to the James Dawson case, that was the name of the case?

Q That was in the E. Dawson grand-children's case? A Yes.

Q No, in the Dawson's children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.

Q And the case likewise of Piley Dawson? A I don't know anything about those.

Q They are relations of yours? A Well I couldn't say.

Q James K. P. Dawson proved to be a son of Piley Dawson? A Well if he is he is by connection then. There are so many Dawsons I don't know them all.

Q You know Andrew J. Dawson? A Yes sir.

Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.

Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.

Q He refers in his application as being a cousin of E. Dawson, and your self, who were admitted to citizenship by the Texas Court?

A He may be, I don't know nothing about it.

Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about their people.

Q Old Ben Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.

Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, is the testimony isn't that true? A He didn't have good use of his fingers.

Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.

Q Well I say he was a very old man? A Yes, getting old.

Q How didn't you come to this place up there joining Brown's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.

Q And you subsequently built a log house on it? A Yes sir.

Q And went back and got your wife and moved them to the log house? A Yes sir, went to Durka and got my wife.

Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.

Q You remember do you of being with him such of any at all? A I was in Texas in time of the war, with my uncle Piley Dawson, and he was there.

Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.

Q How old a man was he at that time? A Pretty old man.

Q You never saw your grandmother, she died before she came?

A Yes sir, I never saw her at all.

Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.

Q I mean who first conceived the idea? A I first conceived talking about it.

Q And went down for him? A I was in Texas with him and then in Arkansas; I went back towards Ark' forward a time or two after the war.

Q About that time nearly everybody in Arkansas were trying to get some kind of citizenship to Cherokees? A No sir, not at that time.

Q They were getting pretty thick in there in 1880? A Well in '83 and '84 and '85 I think.

Q Now you were down there to get yourselves on the roll? A Well you were down there; but it wasn't at the time you were down there.

Q Well the roll had been admitted before that? A I suppose they had; there was an excitement over the Wattle claim at that time.

BY MR. BASTIEN:

Q You did locate and board with Sam Shablen when you first came to  
Tombiquah in '01? A I think I did.

Q Your brother Sam Dawson stayed there about a year, did he?  
A Yes, Sam's wife lived in the north part of town, old German. Yes  
sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you  
would expect to find in your story? A I have heard that but  
I have forgot them.

Q You don't recollect any name now? A I don't recollect any name  
now.

Q In the Frank House case and Joanna Barber case, in which you  
testified before the Commission, when you were making records for  
this testimony you couldn't find any other testimony from those of  
records except the Dr. Baker testimony, could you? A That's all  
we could find; we we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the testimony, the certificate  
shows that? A I don't know; Bruce got a copy of that claimed to be  
the affidavit of Baker and he told me to give it to him; that is  
all I know about it.

Q Well the certificate there does not bear my certificate does it?  
A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except  
that of Dr. Baker; you couldn't find any other over there of record?  
A I didn't hunt far any; House matter far from.

Q None of you have ever been able to find any others? A No,  
not even first our petition.

Q Samuel R. Dawson applied to what is known as the Adair Court,  
didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning?  
A Well I don't know, they claimed to be, I never met them or know  
them.

Q He was rejected by the Adair Court, or Hayes Court? A I don't  
know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have  
done it.

Q Didn't you testify in the Andrew J. Dawson case before that is  
known to the Hayes Court? A I don't recollect, if I did I don't  
remember.

Q Did you testify in the Riley Dawson case? A No sir, but that I  
remember.

Q Didn't you know of his being rejected by that court? A I  
don't remember, sir.

Q The way that the Chicago Council never authorized the trial  
of 1886, didn't you? A No sir, I don't know it; I don't know what  
was done until I went to Tombiquah after some papers got sent back  
and that was the way it was.

Q When you were with Sam and O. E. Taylor was a big scandal to what  
the Hayes Court was? (No response)

Q He had been in the Hayes Court, had he not been in the Hayes Court  
before that time? I don't know, I don't know what date up to that time.

Q Did you ever see the book to do with it? A I don't  
know.

Q Did you ever see the book to do with it? A I don't  
know.

Q Didn't you ever see the book to do with it? A I don't  
know.



Q Wasn't he employed by Jim Dawson after you got your citizenship?  
A Why not but the grand-children.

Q Jim Dawson's petition was filed in September 1883, after yours?  
A Yes sir.

Q C. H. Taylor, attorney of record, filed his petition? A He  
might have filed it for all I know.

Q Well you hadn't at that time fallen out with C. H. Taylor had  
you? A Why no, we never did have any trouble, only over this money,  
he never would give it back to me or give it to Bryant.

Q You never discovered that he was such a bad man until after your  
judgment was rendered? A I know he was not of good character.

Q Are you and Bryant, this man who testified for the Cherokee  
Nation, on speaking terms? A Hardly speak.

Q Does he refuse to speak to you? A Soetli as he does.

Q Do you refuse to speak to him? A Yes sir.

Q Have you been speaking to him for the last two or three months?  
A I have not spoke to him until I met him there at the hotel the  
other day.

Q First time you spoke to him since he had the boy arrested? A Yes  
sir.

Q When did he have the boy arrested? A Along in September or  
October, September I think.

Q When did Dr. Baker die? A I don't remember.

Q You don't remember how much older your father was than you?  
A No, I don't know.

Q What is your age? A I will be 60 in May.

Q Then you were born in '42? A Yes sir, '42 according to the  
record.

Q Was your father as much as 25 years old when you were born?  
A I couldn't say.

Q What was your best judgment? A I suppose he was 20 or 25  
years old. My understanding he married young.

Q Can't you give any better idea than 4 or 5 years of your father's  
age? A I say 25.

Q Your father was born say, 25 from 42 would have made him be born  
in 1817; now had your father any older brothers or sisters? A I  
think Jack Dawson was the oldest of the family, no, Betty, the girl,  
was the oldest and Jack next, and then my father as well as I  
remember about it.

Q There were two girls older? A No, one of the girls I never saw.

Q Then you think there are only 2 older than your father? A Yes,  
that's my understanding of the family.

Q Dr. Baker gives his age 73 in '82, which would make him be born  
in '89, now he states that when he was 15 or 16 years old, which  
added to 1869, will make 1824, that your grandmother Anna Pruitt, was  
a school girl; whereas from your testimony and that of the family  
history introduced here shows that your grandmother Anna Pruitt  
was the mother of seven children, the youngest being born in 1823,  
how do you reconcile that? A I don't remember about the statement  
of Dr. Baker; I don't know that he made such statement as that,  
I can't remember about it.

Q And if he did you don't know how to reconcile it? A (No response.)

Q Did you talk to any of the judges of the Court that admitted  
you? A No sir, I was not acquainted with them.

Q You know whether they were old or young men? A They were old  
men like Steve Tabor. I got acquainted with him afterwards, and  
Felix Thompson, at the Council you know I was there a good deal.



Q That was the fellow that was on the Court? A Yes sir.  
Q He was afterwards Assistant Chief of the Cherokee Nation?  
A I think so.  
Q Steven Pender, that's the man you had reference to? A Yes sir, I think it was, I just know the man; I had no acquaintance with him at all.  
Q B. W. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember how often we were admitted.  
Q Don't you know he did? A I think he did, as well as I remember.  
Q Were not you over there to his room? A I think I was.  
Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Tex., was in January Term of 1882 I believe, it was, as well as I remember about it.  
Q Well you didn't take any more testimony after Dr. Baker testified?  
A No sir, I didn't.  
Q But your case was not submitted or passed upon by a Court?  
A I think it was, yes sir, as well as I remember.  
Q I would like to ask you when the Blessing's family came to the Cherokee Nation? A Alex Blessing's came with us when we moved here, and went back and got his family and moved that fall.  
Q Did he move his family here that same fall? A Yes sir.  
Q What year was that? A In the fall of '81 I believe it was, as well as I remember now.  
Q When did the Bulaska family come? A I think the girl and the old lady came in the next spring.  
Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband came back.  
Q Did she come back until after her marriage? A No, she was married when she came first.  
Q The last time? A She was married I think, she was married when she came out.  
Q How long has August Bulaska been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I won't say which.  
Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.  
Q When was that? A '85.  
Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.  
Q Who is Arizona Alford? A That is my daughter.  
Q Did you bring her with you? A No not when I moved.  
Q When did she come? A She came out in a year or two after I moved here.  
Q Was she married when you moved here? A No sir, she was not married.  
Q She was not married when you were admitted? A No sir, she was a child.  
Q When did she come to this country? A With his grandfather, James Deane.  
Q What was his father's name? A Halvina Deane.  
Q You know the lady's age? A No sir.  
Q How long was she here in '83? A No sir.  
Q How long was she here? A I think she was.  
Q Married in this country? A Yes sir.  
Q How is James M. Harbort? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.

Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.

Q You know Gibson Graham? A Yes sir.

Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.

Q Did he come from Texas to Arkansas? A Came from Texas.

Q Did you know them in Texas? A I knew the girl.

Q You never knew them until they come to this country? A I never knew 'em.

Q When did you see him later? A I think they come here in the fall or winter of 1894 or '95.

Q He was married then? A I think he was.

Q Brought his wife? A I think he was, I don't know.

Q Did he have any children when you first saw him? A He come to my house and I never saw his family for-I don't know, for several years.

Q You remember he had a family? A Yes sir.

BY MR. LAKEMAN:

Q Did you learn to say '94 or '94? A '84.

Q Did you see Gie Graham in '84? A '84, let me study, mayb '85.

BY MR. HASTINGS:

Q Did you see him in '35, are you positive on that proposition?

A I think so.

Q Will you swear it? A No sir, I won't positive swear it, but I think it was, as I remember now it was; I couldn't say positive.

Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenized by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A All the question again.

Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenized by courts of like jurisdiction, enjoyed the same privileges that you did. A So far as I know they was.

Q They all crossed bonds and all tried in the courts as long as we had tribal courts, were they not? A Yes sir, so far as I know.

Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.

Q Will you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokee.

Q Well I say there is other special about it? A No, I don't know of there is.

Q You got acquainted with Mr. Deagan while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him, knew his name.

Q By Mr. Hastings, now did the commission of Dr. Baker? A Yes sir.

Q Did you see any other papers before the court other than that?

Q Did you see any statement? A I never filed any statement.

Q Did you see any other papers before the court other than that?

Q Did you see any other papers before the court other than that?

Q Did you see any other papers before the court other than that?

Q That? A Yes sir, Buck Dawson.

Q Well is that all he did for you? A I don't remember now about it.

Q Why didn't you get your attorney to do that letter writing? A There was not any there.

Q Taylor nor Benge was not there then? A No sir.

Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.

Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did; right have been 2 years, I don't remember.

Q There was Duncan living then? A I couldn't say where.

Q Was he still clerk of this Court? A No sir, not when that money was paid; that is, when Camp Taylor said he paid it.

Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.

Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.

Q How much did you give him? A One hundred dollars.

Q When? A Right at that time; he claimed it from me as soon as we got our papers; he came onto me and demanded he for Bryant.

Q You never sent him any then after that? A No sir.

Q Did you ever see Bryant after that? A Yes sir.

Q How long after that? A I don't know, a year or two afterwards.

A year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.

Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. MCKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by their representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. MCKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, were of the judges were present on that day? A They was all three of them, Wolfe, Tehee and Thompson.

Q Are you positive of that fact? A Yes sir.

Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are heirs of some members of your family? A Andrew?

Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?

Q You do not know them do you? A I don't know that they are any kin to us.

Q You don't know that they are related to you at all? A No sir.

Q This Mary Dawson case, do you know the members of that family?

A No sir, I don't.

Q Don't know who they are? A No sir.

Q The Rebecca Dawson case? A I don't know her either.

Q You don't know whether they are related to you or not? A No sir.

Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Jonathan Barber, do you know anything about that? A They claim to be kin to us.

Q Where are they from? A They are from Essex.

Q Do you know they are related to you? A They claim to be kin.

BY MR. HASTINGS:

Q Tell you spoke for this before the Commission? A Yes, they claim to be kinfolks of mine.

BY MR. HASTINGS:

Q Irene J. Hanks, who is that? A That is a cousin of mine; claims to be.

BY MR. HASTINGS:

Q You testified for her, didn't you before the Commission? A I think I did as well as I could.

BY MR. HASTINGS:

Q Before the Court that admitted James Dawson suitably, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.

Q Who were the others? A Himself and J. Dawson and there was two other witnesses, I don't remember who they are.

Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You don't remember their names? A Right?

Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.

Q You only proved that Mr. Dawson was a brother of Robert Dawson before the Court? A Yes sir.

Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he had by folks people as ever come here.

Q Was he older than Dr. Baker? A About the same age.

Q Why didn't you get Oliver Miller's testimony in the House case?

Q He was dead.

Q You and no member of your family in the Irene Hanks case or the Jonathan Barber case or any of those cases that were tried before the Dawes Commission, in your affidavit ever had reference to the fact that Oliver Miller testified in Mr. Dawson's case in '84 did you?

A I don't remember about that.

Q You did make reference to the fact that Mr. Miller testified there in '83, didn't you? A I don't remember about that now.

Q You never made reference to any other witness having testified other than Dr. Baker before? A I don't remember about it now.

BY MR. HASTINGS:

Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were taken before the Commission which admitted the James Dawson family, was not at all laid out they not? A I suppose they are, I don't know, I never saw them.

Q How far back do you go to get copies of that? A Yes sir, I tried to get the original papers.

of testimony. This case is continued until 8:30 A.M. on March 20th, 1903, it now being the hour of adjournment.

W. H. DAWSON, Plaintiff, vs. J. H. BARBER, Defendant.

Q There was some other with Dawson mixed? A In application.



Q What county? A Carroll.

Q Near what town? A Berryville.

Q Did Dr. Baker live at Berryville? A Yes sir.

Q Was your brother distinctly acquainted with him for any years?

A Yes sir.

Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.

Q Do you know Josephine Pierce? A Yes sir.

Q Where daughter was she? A Robert Dawson's.

Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.

Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.

Q She was also called Josephine or Josie Kelly? A Yes, after the marriage; her first husband was Pierce.

Q And her second husband? A Was Kelly.

Q There was another Josephine Dawson wasn't there, Balaska's wife?

A Why they called her Joe, I suppose that's her name, I could not be positive; that was Riley Balaska's daughter, August Balaska's wife.

Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.

Q You know how old you are? A 42.

Q 42? A I think so.

Q How many older children were there of your father and mother than yourself? A Three.

Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.

Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.

Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.

Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.

Q Don't know what year he came to Arkansas? A Only from statement.

Q Well what did they say about it? A I think they come here in '30.

Q You know whether your father was born in Arkansas? No, many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.

Q No come there in '30, and all the other children were born on the Kiamichi River in Tennessee, before he ever came? A That is what I think, yes sir. Now I am not positive about that.

They were from Tennessee, but either Dr. Baker lived there or my folks come from there; I don't know as I remember that I ever heard my father say where he was born at.

Q In Tennessee or where? He said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.

Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.

Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years there.

Q That would make E. Dawson about eight years older than you, wouldn't it? A Yes sir.



BY MR. MCKENNON:

- Q Did Josephine Pierce have a daughter who married Mr. Bogle?  
A Yes sir.  
Q What was her name? A I always knowed her by Dede Pierce; I don't know whether that is her right name or not.  
Q What is Bogle's name? A John Bogle.  
Q She is the child of Josephine Pierce who married John Bogle?  
A Yes sir.  
BY MR. HASTINGS:  
Q Where did she marry John Bogle? A Near Afton.  
Q When? A I couldn't state.  
Q About when? A You have got a copy of the marriage license.  
Q When did Josephine Pierce come to the Cherokee Nation? A '83.  
Q Has she lived here continuously since that time? A Up until her death; she is dead.  
Q Any of her children come with her at that time? A Yes sir.  
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

- Q Your name is J. C. Starr is it? A Yes sir.  
Q Mr. Starr, was that instrument taken by you, or before you?  
(Showing witness document.)  
A Yes sir.  
Q Where? A At the residence of S. E. Benge; near Fort Gibson.  
Q When? A On the 15th day of this month.  
Q That day of the week was that? A On Saturday.  
Q Is that the day it was taken? A Yes sir.  
Q Did you go there on Saturday to take this? A Yes sir.  
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?  
A It was taken Saturday, the 15th.  
Q Was he mistaken or not? A It was not taken then.  
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?  
A I think not, because I was there, and it was taken on the 15th.  
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.  
Q Then of course his statement could not be correct? A I guess not.  
BY MR. HASTINGS:  
Q He was just mistaken about the date, wasn't he? A Yes sir.  
BY MR. MCKENNON:  
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.  
BY MR. HASTINGS:  
Q I sent you there last Saturday? A Yes sir.  
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:

BY MR. MCKENNON:

- Q What is your name? A My name is Robert L. Dawson.  
Q What is your age? A My age is something close to 30 years old, I a 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?  
A Yes sir.

Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and he looking over them I saw this letter.

Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.

Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Bengé, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. MCKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Bengé, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Bengé is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Bengé.

Q Are you a son of Samuel H. Bengé? A Yes sir.

Q Do you know his handwriting? A I believe so.

Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.

Q To the best of your knowledge and belief is that his letter?  
A Yes sir.

BY MR. MCKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

Fort Gibson, C. N.,  
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you again. You will please send me fifty dollars as my fee in your case according to contract. send it to Fort Gibson, Cherokee Nation.

Respectfully yours,

S. H. Bengé,

Attorney at law.

Envelope in envelope, as follows:

Card in upper corner, left hand:

"Return in ten days to C. H. Taylor,  
Attorney at Law,

Tahlequah, Ind. Ter."

Addressed: "E. Dawson."

Henryetta,  
Clay Co., Texas.

Post-marked: "Tahlequah, Jan 13 Ind T."

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. McKENNAN:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Benge letter? A Yes sir.  
BY MR. McKENNAN: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.  
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him \$20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him \$100- and that you had offered him a check on some bank in Texas.

That \$100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

and I am satisfied that you are apprised of the earnest work I done for you. Please write to me.

Very respectfully,

Very truly,

J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A He, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age, never asked his age; of course I guess by other means.

Q Never had occasion to talk about his age at all? A Oh I have heard him speak of his age at different times, but then I never paid enough attention to it.

Old woman, being first only sworn by being asked if she

testified to the contents

of the letter

Q What is your name? A Old woman.

- Q How old are you? A Mr. Graham? A I am 35 years old.
- Q How long have you been living in the Territory? A I came out here in 1887 or '88.
- Q To the Cherokee Nation? A Yes sir.
- Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
- Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
- Q How long did you live in the Cherokee Nation? A About 6 years.
- Q Where did you go then? A Wagoner.
- Q In the Creek Nation? A Yes sir.
- Q And been residing there ever since? A Yes sir.
- Q In business? A Yes sir.
- Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
- Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
- Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
- Q Taking the census of the Cherokees? A Yes sir.
- Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
- Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
- Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

- Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
- Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
- Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
- Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
- Q Your mother was Missouri Dawson was not she? A Yes sir.
- Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
- Q And was not Missouri Dawson as named in that judgment? A Yes sir.
- Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
- Q Ella Benge was your mother? A Yes sir.
- Q For she married at that time? In 1883? A Yes sir.
- Q Having Benge, was she married at that time? A Yes sir.
- Q And the father you have mentioned, Missouri Dawson, was your mother? A Yes sir.

- Q Can you give us the exact date of your birth? A Yes sir.  
Q Do so, please? A January 21, 1867.  
Q And you came to the Territory when? A In 1887 or 1888.  
Q You can't rate that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.  
Q Well I just want to know whether you did have or not? A No sir.  
Q When were you married? A 1886.  
Q You were married prior to coming here? A Yes sir.  
Q Your first child born away from here? A Yes sir.  
Q What is its name? A John W.  
Q '86 you were married, and he was born about the spring of '87?  
A Somewhere in 1887, I don't remember.  
Q Prior to your coming here? A Yes sir.  
Q That is the only child you had that was born away from here?  
A No sir, Julius.  
Q Julius was not born in the Territory? A No sir.  
Q And prior to the time of your removing to the Territory? A Yes sir.  
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

- Q Do you know Campbell Taylor? A Yes sir.  
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of that question, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.  
Q You never had met him before, or had any communication with him?  
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

- Q You knew he was the attorney in the case, originally? A After looking at the records I did.  
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know some-thing? A Certainly.  
Q He never told you he was going to swear against you or threaten to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all cut off the rolls.  
Q And he would use his influence against you, that is what he said? A Yes sir.



BY MR. HASTINGS:

Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not. I neither affirm it or deny the question.

Q You went to Captain Bange and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote him.

Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.

Q And you went with Aaron Butler to see Jir Smith, attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you know of that was before that court then? A Yes sir.

Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.

BY MR. McKENNON:

Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. McKENNON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be exact as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well what other James Dawson did you know belonging to the family, either one of these families, either Dawson family or the James Dawson family? A I never heard of but two James Dawsons.

Q Who were the other? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '34 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. HUTCHINGS:

Q Do you know who was here attending to your mother's citizenship case at that time, at the time she was admitted? A Yes sir, James Low and Bill Jackson, son of Miles Jackson.

Q Who was W. A. ...? A That is Wilburn, my uncle.

Q Was he here? A I don't know sir.

Q You were not here any of the time? A No sir.

Q You had not come to that time then, you had lived in the same neighborhood? A Yes sir, I know him well.

Q ... after that did not? A After that, ...

Q ... to citizenship? A No sir, he didn't die ...

Q ...? A Yes sir.

Q ... 35 years old.

Q ...? A Yes sir.

BY MR. HASTINGS:

Q That about 1897? A I think so, yes sir.

BY MR. MCKENNON:

Attestants object to the testimony of the witness elicited by interrogatories of counsel for the Cherokee Nation relating to his family, their history, etc. as being immaterial, irrelevant and incompetent.

James E. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q Your name is James E. Dawson? A Yes sir.

Q Where do you live? A Afton, Indian Territory.

Q What is your age? A 45.

Q You are a physician are you not? A Yes sir.

Q Was James Dawson, whose family was admitted in 1834, an uncle of yours? A Yes sir.

Q Do you know what his age was at that time? A No sir, I do not, only approximately.

Q State as nearly as you can? A At the time of the admission?

Q Yes sir? A About 70, I don't know exactly.

Q How old was he when he died? A I would say he was about

70. What was your age in 1834? A I am 45.

Q What year were you born, doctor? A I was born in '50.

Q Just have been '50? A Yes sir, that's right.

Q What was your age then? A In '84?

Q Yes sir? A About 30.

Q How long did you stay at that time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee commissioners at Afton? A Not while the James Dawson family was there.

Q How long did you stay during your father's absence? A I was there at

the time that the date I remember was when the case first came up, I cannot give the exact date.

Q How long were you there? A I think there about a week.

Q Was that when it first came up you say? A Yes sir.

Q How long was gone? A No sir.

BY MR. HASTINGS:

Q You know how Mr. Baker?

Q Did he and your family live in the same place when they lived together with their family? A Yes, while Mr. Baker

lived there. I don't know how long he lived there. I don't know how long he lived there.

Q How long did he live there? A I don't know how long he lived there. I don't know how long he lived there.

Q How long did he live there? A I don't know how long he lived there. I don't know how long he lived there.

Q How long did he live there? A I don't know how long he lived there. I don't know how long he lived there.

Q How long did he live there? A I don't know how long he lived there. I don't know how long he lived there.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUFKINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tahlequah, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him, I don't think I told him the case that I wanted him to testify in; that is my recollection now, Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and that information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand. I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was said by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have exaggerated a little more here by combination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got the name Taylor; I heard he was connected with the case, and perhaps that something about it, like I did a great many other people, some of whom I don't think, because they didn't know what I wanted they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemaker case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemaker case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemaker case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, an counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. MCKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.

Q He therefore did it simply upon your persuasion? A Yes sir.

Q You know he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

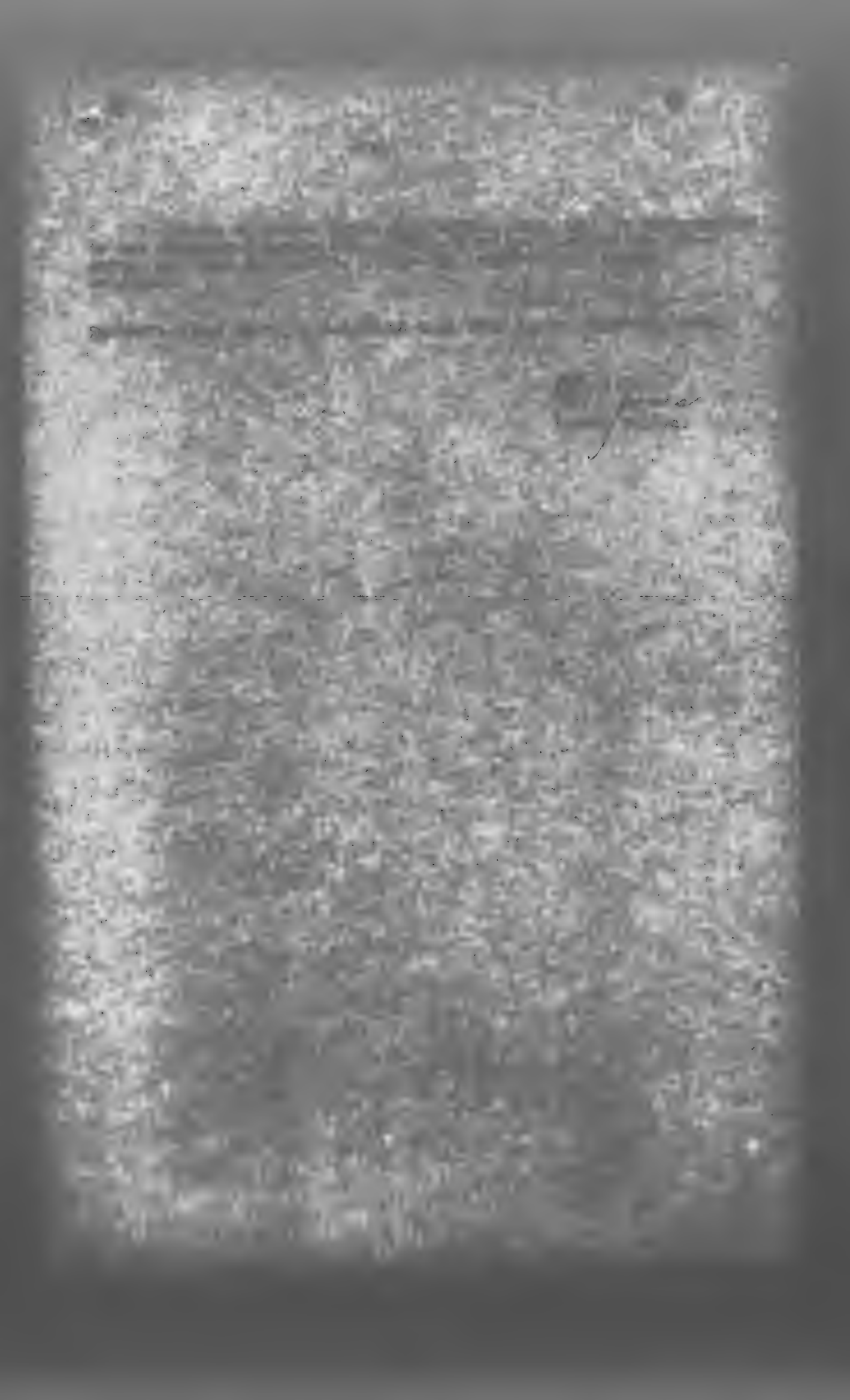
Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission in 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.







File with Cherokee D-718, Henry T. Richardson, et al.

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

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George A. Mabry, et al.,	"	D	979

DECISION.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 324 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob L., M. E. A. and Laure A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William R. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew G. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Atkins and his minor children, Arthur, Mina E., Edward G. and George J. F. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902.

D 582 By Francis M. Dawson, Jr., son of Francis M. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.

D 351 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Ariadne Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Kate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Hammie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.

D 573 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Leruel M., Rosa B., Charles B., Hattie J., Jennings E. and James V. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a minor child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 22, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marie A. Dawson as citizens by blood.

D 439 By John E. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself and his minor child Marie A. Dawson as citizens by blood. On October 21, 1902, a further affidavit was filed for James V. Dawson, a minor child of the applicant.

D 442 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471

D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1903, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Nellie, and his five minor children, Nora, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.



D 532 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin O. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil F. Dawson, a fourth child of the applicant.

D 533 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 534 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born under the date of this application.

D 535 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George I. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Vera, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 2, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.

D 504 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 10, 1902.

D 505 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.

D 506 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 10, 1902.



D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 16, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tempa V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada K., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D 1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 22, and October 20, 1902.

D 1124 By Joe E. Graham, at Muskogee, Indian Territory, on February

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Ocie, Lizzie, Jennie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William G. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 848 By James Love, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, Ray, Bessie, Robert and Sam Love as citizens by blood.

D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 28, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Della F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 343 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 20, 1901, for the enrollment of his wife Florence and his minor child Elsie as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

2845 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

2846 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. L. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teague Court", and that on September 8, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. L. Dawson is identified on the Cherokee pay rolls of 1883 and 1884, Elbert Dawson on the Cherokee pay roll of 1880, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1880 and 1884, James Dawson on the pay rolls of 1883 and 1884, Ella Dawson on the pay rolls of 1880 and 1884, Josephine Dawson on the pay roll of 1880, Jane Dawson on the pay roll of 1883, Joseph Dawson on the pay rolls of 1883, 1884 and 1885, Rial Dawson on the pay rolls of 1883, 1884 and 1885, Malvina Dawson on the pay rolls of 1883, 1884 and 1885, and Missouri Dawson on the pay rolls of 1883, 1884 and 1885.

Dawson on the pay roll of 1880, and Missouri Dawson on the pay roll of 1884.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 330, D 531, D 534, D 538 and D 535.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Department roll of 1884, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

John S. Atkins was married under a Cherokee name in p. 1100



and in accordance with the laws of the Cherokee Nation on March 29, 1881, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and heretofore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lea Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 26, 1898 (50 Stat., 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."

The evidence further shows that Francis M. Dawson, his wife, Katie and William H. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1881, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1881, and that John Brown has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 356, D 358, D 402 and D 408.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bilawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bilawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 23, 1896, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and heretofore named, are the issue of that marriage. (12)

four elder children are identified on the Cherokee Census roll of 1896, and the Strin payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Hannie Dawson, nee Baugher, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Hannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven elder children are identified on the Cherokee census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Eric H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1888.

Thomas F. Dawson was married on April 24, 1886, to Alice A. Allison, and Marie J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1889, to Adelle York, and Furr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas F. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (not Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1888.

Hellie Pierce, a white woman, was married to said Robert Pierce on July 18, 1884. She has lived with her said husband since they were married, and Myrtle and Arthur Pierce are the issue of that marriage. Hellie Pierce is identified on the Cherokee Census roll of 1888, and her two children are identified by birth affidavits on file with this Commission.

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Orn Gray was married to John B. Gray on April 7, 1880, and Ocell and Vedion Gray are the issue of that marriage. Orn Gray is identified on the strip payment roll of 1884 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Orn Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Effie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases number 1 B 384, B 478 and B 525.

Joseph E. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 12, 1891, and they have living



gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and her inbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1896, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1888 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Nellie Dawson as those claiming through her and embraces case numbered D 518.

The evidence shows that Nellie Moore, formerly known, is lawfully the Nellie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Albert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 2, 1896, and Winnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Albert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four children mentioned in the application of said Albert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claimants through the said Elbert Dawson, and embraces cases numbered D 455, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip Payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip Payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Rosa Dowson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William G. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. F. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizenship

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child in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 466), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Lawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1836, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the state of Texas in 1886, and has lived with her since that time. Thomas V. and Robert L. Gibson are the issue of the aforesaid marriage. John W. Graham, 1888 and two children are identified on the Cherokee enrollment roll of 1894.



ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert P. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 25, D 36, D 856, D 1124, D 1125, D 1228, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 22, 1888, to the said Missouri Dawson. He and she were subsequently married to her in the State of Texas in 1894, and she lived with her second husband, George V. and Elizabeth Graham, until the death of the latter in 1904. John W. Graham was a citizen of the State of Texas at the time of his death in 1904, and his estate was administered in the State of Texas.

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Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip Payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 650 and D 667.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. She had previously married to her in Texas prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Tashie A. Jackson, William Jackson and Fannie Loux, formerly Jackson are the children of said Elia Harmon, now Elia Jackson. Flora Harmon, Tashie A. Jackson and Fannie Loux were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1897, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three elder children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Loux was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1898, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie B. and Myrtle Loux, included in his application, are the issue of the said marriage. William C. Loux and his two children are identified on the Cherokee Census roll of 1896.

Missie Harmon claims to have been married in 1898 to the said William Jackson, and to be a citizen. It appears that William Jackson was at the date of his marriage a citizen of the United States, and that Missie Harmon was at that time a minor. It is further shown that the said William Jackson and Missie Harmon were married in 1898, and that the said William Jackson and Missie Harmon were at that time citizens of the United States.

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and heretofore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 859.

The evidence shows that James Love is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Love was over 21 years old. There is no evidence that the said James Love was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Love was married on June 12, 1897, to Nellie Knight, a white woman, and the four minor children included in his application and heretofore named, are the issue of that marriage. James Love and the said children are identified on the Cherokee Census roll of 1896 and take only the rights which may have been acquired

The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 23, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene T. and Wilburn K. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 21, 1896, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on September 1, 1898. Of the children named in the application of Henry T. Richardson to the Commission, the following are the children of the said Henry T. Richardson and his said wife Sellar Dawson: Sellar Dawson, born July 11, 1886; James Dawson, born July 11, 1886; and Wilburn K. Dawson, born March 27, 1898. The said Sellar Dawson died in 1892. The said James Dawson died in 1892. The said Wilburn K. Dawson died in 1892. The said Henry T. Richardson died in 1892. The said Kitty Flournoy nee Dawson died in 1892. The said Henry T. Richardson and his said wife Sellar Dawson were the parents of the said Sellar Dawson, James Dawson, and Wilburn K. Dawson. The said Henry T. Richardson and his said wife Sellar Dawson were the parents of the said Sellar Dawson, James Dawson, and Wilburn K. Dawson. The said Henry T. Richardson and his said wife Sellar Dawson were the parents of the said Sellar Dawson, James Dawson, and Wilburn K. Dawson.



The six elder children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Della F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 28, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of internarrriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Tolley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1896, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, including the following applications: Elmer J. ...  
Walter, et al. ...  
George E. ...  
...



identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and heretofore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission as to the citizenship of the said persons and his family was obtained by fraud of the said persons.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1861, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. G. Brown was the Clerk of the Commission. The Brown case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Thomas G. Brown that the case would be taken up by the Commission at its session in January, 1862, and that through the fact that S. H. Taylor could not understand the Cherokee language as at that time.

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tash Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

G. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that E. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced J. D. Gibson to Dawson on the evening of January 10th, heard part of a conversation between them in which Dawson expressed doubts as to the value of the evidence, and that the conversation was continued on the following day. That he saw Dawson on the following day and that he saw Dawson on the following day.



evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testified that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. E. Dunge, C. H. Taylor, Thomas L. Dehart, J. L. Glinkenbeard, James W. Lewis, C. J. Draught and David Meredith.

S. E. Dunge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a substantial fact, there is no other proof that the judgments in the case were ever rendered. The record of the proceedings and judgments in the Dawsons' case is all on one page, and there is no indication to what day the first judgment was rendered, and no indication of a second judgment being rendered on the next day. The record is all on one page, and there is no indication to what day the first judgment was rendered, and no indication of a second judgment being rendered on the next day.

Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 80 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Admitting that this Commission can go into the question of perjury in connection with witnesses in that case, and that the Commission is not bound by the testimony of witnesses, it is not bound by the testimony of witnesses in this case.

many before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tom Rogers was a witness, Duncan is under that impression also, and T. P. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McKennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Braught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1886, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Texas Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to identify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and has nothing to be legitimate way. The Commission can say, in substance that such money was spent for legitimate purposes, and the price to the Dawsons was to get their

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Such evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of the Commission, is not competent for any purpose in this case.

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teehee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1863, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts, applied with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1863; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1863, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment, if obtained by fraud. It is not possible to see how the



by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1884, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna H. Atkins, Edward C. Atkins, George J. Y. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

Group II.) Samuel H. Dawson, August Dawson, Kate Dawson, Robert Dawson, Albert F. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulavsky, Dora Bulavsky, Ida Bulavsky, Annie Bulavsky, Blanche Bulavsky, May Bulavsky, Oscar Bulavsky, John W. Dawson, Fattie Newman,

Group III.) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles E. Dawson, Mattie J. Dawson, Joseph E. Dawson, James U. Dawson, Vergal E. Dawson, Thomas F. Dawson, Marice J. Dawson, Orin H. Dawson, Darr E. Dawson, John W. Dawson,

Group IV.) George Dawson, Arthur Dawson, Charles E. Dawson,

Group V.) William Dawson, John Dawson, George Dawson,

Effie Pierce), Fanny J. Bogle, James E. Bogle, Edna M. Bogle,  
John H. Bogle, Marvin R. Bogle, Claude Bogle, Nancy Edith Bogle

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson,  
Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson,  
Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C.  
Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora  
Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Elbert L.  
Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander  
Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Pat erson, Sarah A. Patterson, Martha A. Patterson,  
Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson,  
Virgil V. Patterson, William C. Dawson, Robert L. Dawson,  
Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E.  
Dawson, Ella L. Spickerman, Hellen J. Spickerman, William  
Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert E. Graham,  
Gideon Graham, John W. Graham, Julius E. Graham, Francis W.  
Graham, Mary E. Graham, Jesse E. Graham, Gracie H. Graham,  
Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva F.  
Painter, John W. Painter, Ray D. Painter, Roberta A. Painter,  
Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Elmer  
Bradshaw, Joe E. Graham, William C. Graham, John F. Graham,  
Edna K. Graham, Robert Lee Graham, Joe Willis Cook, James E.  
Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd  
Graham,

(Group X) Elsie Jackson, Flora Jackson, Edna E. Jackson, ...

Twight Harmon, William D. Harmon, Fostie A. Jackson, Fannie  
Lenox, Birtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,  
Witty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flour-  
noy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna  
Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia E.  
Richardson, Etta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle,  
Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A.  
Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan,  
Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and  
Charley Mabry,

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, 1906 (34 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah F. Dawson, August Zulavsky,  
Dennis Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Eogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson,  
nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Faister,  
Charles T. Bradshaw, Bessie Graham,

(Group X) James E. Hudson, William C. Jones,

(Group XI) Maggie J. Hudson, Harry T. Richardson, Mattie A. Hudson,

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis M. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Ross Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 556) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Lizzie and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) T. B. HUNT,

(Signed) T. B. HUNT,

COPY.

Cherokee D-324—

Muskogee, Indian Territory, January 24, 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 December 23, 1902, granting the application for the enrollment of Francis H. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis H. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, Lay Bulawsky, Oscar Bulawsky, John W. Dawson, Mattie Newman, John Dawson, Robert E. Dawson, Iola M. Dawson, Lemuel H. Dawson, Ross E. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marise J. Dawson, Orle H. Dawson, Eurr E. Dawson, James T. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Volten Gray, Myrie Akin, Nancy J. Coale, James E. Bogle, Edna V. Bogle, John E. Bogle, Marvin E. Bogle,



Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Pora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert D. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie K. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John T. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William G. Graham, John F. Graham, Edna H. Graham, Robert Lee Graham, Joe Willie Paul, James H. Graham, Marion Graham, Maggie Graham, Luther Graham, Elmer Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Glad Harmon, Dwight Harmon, William B. Harmon, Teakie A. Jackson, Francis Harmon, Birtie B. Laska, Myrtle Laska, Thomas Wadley, Elmer W. Wadley, William B. Wadley.

Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Minis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Selma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham, and Margaret Graham.

-4-

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,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-150.

COPY.

Cherokee D-524

Muskogee, Indian Territory, February 10, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles D. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Oris H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James H. Bogle, Edna H. Bogle, John H. Bogle, Marvin H. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

awson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John T. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John T. Graham, Edna H. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Teakie A. Jackson, Fannie Lenox, Bertie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Kittie Richardson, Edgar Flourney, Walter Flourney, Alice Flourney, Laura



Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Della F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonso M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

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 both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be 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.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIRBY,

Acting Chairman.

Enc. 15-65.

Register.

Cherokee 7-934.

Muskogee, Indian Territory, February 25, 1903.

Mathew A. Painter,  
Afton, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your wife, Laverna A. Painter, and your six minor children, Ada E., Eva P., John W., Roy D., Roberta A. and Roy V. Painter, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, 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 both your attorney and the principal 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,

Enc. H-39.

Register.

*Some I-2009.*  
1903, Chairman.

COPY.

Cherokee D. 324.

Muskogee, Indian Territory, February 25, 1905.

Honorable

The Secretary of the Interior.

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Ross B. Dawson, Charles B. Dawson, Hattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marise J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oad Gray, Cecil Gray, Veltan Gray, Errie Akis, Nancy J. Eggle, James E. Eggle, Edna E. Eggle, John E. Eggle, Marvin E. Eggle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence K. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Lora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse I. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Deal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn R. Woolley.



Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Drauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Fatie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Pulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John B. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Farmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonso M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham.

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) TAMS BEEBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, 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 matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

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

Respectfully,

(Signed) TAMB BLEN,

~~The Commissioner~~

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McFannon,

Attorney for Francis M. Dawson, et al.,  
Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, 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,

Chairman.

Refer in reply to  
the following:  
LAND  
18885-1903.

COPY.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, October 16, 1903.

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP IX.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting Group 1 of this consolidated case, there is enclosed herewith the record relative to the parties applicants to Group IX. of the Francis M. Dawson, et al. case.--

D. 21, Group IX. page 1.

John W. Graham applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Missouri Graham, and their minor children, Tompa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation.

D. 22, Group IX. page 5.

Gideon Graham applies for the enrollment of himself and his minor children, John W., Julia C., Francis W., Mary E., Jesse E., Gracie H. and Florence H. Graham, as citizens by blood, and for the



enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage.

D. 836., Group IX. page 11.

Matthew A. Painter applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Laverna A., and their children, Ada R., Eva P., John W., Ray D., Robert A., and Ray V. Painter, as citizens by blood. Ray V. was born after the date of his father's original application and is identified by birth certificate.

D. 1124., Group IX. page 21.

Charles T. Bradshaw applies for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence P., and their minor children, Myrtle and Claude Bradshaw, as citizens by blood.

D. 1128., Group IX. page 25.

Joe E. Graham applies for the enrollment of himself and his ~~mother's~~ minor child, William C. Graham, as citizens by blood.

D. 1126., Group IX. page 23.

John F. Graham applies for the enrollment of himself and his minor children, Miss K. and Robert Lee Graham, as citizens by blood. Robert Lee Graham was born subsequent to the date of his father's original application, and he is identified by a birth affidavit.

D. 1127, Group IX. page 24-1/2.

James Neal applies for the enrollment of his wife, Joe Willie Neal, as a citizen by blood.

D. 1128, Group IX. page 28.

James M. Graham applies for the enrollment of himself and his children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as an intermarried citizen. Floyd Graham was born after the original application and is identified by a birth affidavit.

The Commission in its decision of December 23, 1902, held that all the applicants above named, except Liddie and Margaret Graham, who died prior to September 1, 1902, were entitled to enrollment---- John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, as citizens by intermarriage, and the others as citizens by blood.

John W. Graham, (Group IX. page 1), February 12, 1838, married Missouri Dawson, who was admitted to citizenship by the Spears Commission or Court, September 9, 1834. This Court was composed of Eli Spears, John Lee, Andrew Young, John L. Adair was clerk pro tem of the Court. The marriage of February 12, 1838, was performed in accordance with the laws of the Cherokee Nation. John W. Graham and his wife, Missouri, were first married in 1836, in accordance with the laws of the State of Texas. John W. Graham and his wife have

lived in the Cherokee Nation since 1888. His name, the name of his wife and the names of his two children appear on the 1896 Cherokee census roll.

Gideon Graham, (Group IX, page 5), is the son of John W. and Missouri Graham, and was a minor when his mother was admitted to citizenship in the Cherokee Nation. He was married to Elizabeth Graham nee Sydow in accordance with the laws of the State of Texas, October 10, 1886. Gideon Graham, his wife and all of their minor children, except Florence N., are identified by the 1896 census roll. Gideon Graham and his family appear to have lived in the Cherokee Nation since 1888. Gideon Graham is identified by the 1894 roll.

Matthew A. Painter, (Group 9, page 11), was married to Laverna A. Painter nee Graham, under the Cherokee law, August 19, 1888. It seems that these parties were first married, September 22, 1887, but not in accordance with the laws of the Cherokee Nation. Laverna A. Painter is a daughter of John W. and Missouri Graham. She was a minor when her mother was admitted to citizenship. Matthew A. Painter, his wife and minor children, except Ray D., Robert A. and Roy V., are identified by the 1896 roll. From the record it appears that the principal applicant and his family have lived in the Cherokee Nation since 1888.

Charles T. Bradshaw, (Group IX., page 21), was married to Florence Bradshaw nee Graham in accordance with the laws of the

Cherokee Nation, March 24, 1894. Florence Bradshaw is a daughter of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, under the name of Lawson. From the record it does not appear that the name of Charles T. Bradshaw is found on any of the rolls of the Cherokee Nation. Florence Graham is identified by the 1894 census roll. Florence Graham is identified by the 1894 census roll. Florence Bradshaw and her family appear to have resided in the Cherokee Nation since 1888.

John F. Graham, (Group IX, page 35), is the son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, and the principal applicant was a minor when his mother was admitted. He was married to Mattie Lawson, February 11, 1900. Mattie Lawson is a non-citizen. His name appears on the 1894 pay-roll, but does not appear on the 1896 roll.

James Neal, (Group IX, page 36-1/2), is a recognized citizen of the Cherokee Nation by blood and is enrolled as such. He was married to Joe Willie Neal nee Graham, a daughter of Missouri Graham, who was admitted to citizenship September 9, 1884, under the name of Dawson. The name of Joe Willie Neal is found on the 1894 pay-roll, as is also the name of her husband. She was a minor when her mother was admitted to citizenship, and she has lived in the Cherokee Nation since 1888.

James H. Graham, (Group IX, page 36), is a son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship in the

Cherokee Nation, September 9, 1884. November 2, 1902, James M. Graham was married to Bessie Willis, in accordance with the laws of the Cherokee Nation. The name of James M. Graham is found on the 1894 pay-roll. Marion Graham is also identified by that roll. The other minor children are properly identified by birth affidavits.

In connection with this group, attention is respectfully invited to office report of even date transmitting group 1, and for the reasons therein stated the approval of the Commission's decision is recommended, except as to John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, who apply for enrollment as intermarried citizens.

As hereinbefore stated, the record shows that Lizzie and Margaret <sup>Graham</sup> died before September 1, 1902.

Attention is also invited to Department letter of June 10, 1903, (I.T.D. 3386), in the Martha Hill case.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

G.A.W.-L.C.



D C 10819-1904.

COPI.

J.W.H.

I.T.D. 7442-1903  
7466- "

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.

FHE

L.R.S.

March 31, 1904.

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

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee nation, with your decision of December 23, 1902, in which you disposed of these applications by groups, including in Group IX, which will be considered herein, the applications of those persons who claim enrollment through Missouri Graham, formerly Dawson, who was admitted to Cherokee citizenship September 9, 1884, by decree of the Cherokee Commission on Citizenship, of which Eli Spears was President.

Said decree recites that Missouri Dawson (now Graham) and others, "are Cherokees by blood and that by virtue thereof they are justly entitled to all the rights and privileges of Cherokee citizenship in the Cherokee nation, and that they should be and are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees."

Title D/ 23 refers to the application of John W. Graham for the enrollment of himself as a citizen by intermarriage,

and for the enrollment of his wife, the said Missouri Graham, nee Dawson, and his minor children, Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation. Missouri Graham, nee Dawson, has resided in the Cherokee Nation since 1888. She and her children, whose names appear above, are identified on the Cherokee census roll of 1896. Her name also appears upon the 1894 roll. On February 12, 1888, she was married to the said John W. Graham. A former marriage was entered into by them under the laws of Texas, in 1866.

Title D.35 refers to the application of Gideon Graham for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, as citizens by blood, and for the enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage, of said nation. Gideon Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1896 census roll and has resided in the Cherokee Nation since 1888. On October 10, 1866, he married Elizabeth Graham, nee Sytow, and the children named above are the issue of that marriage. Elizabeth Graham, and the six elder children are identified on the census roll of 1896. The youngest child is identified by a birth affidavit.

Title D/ 536 refers to the application of Matthew A. Painter for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. Painter, and his minor children, Ada E., Eva P., John W., Ray D., Roberta A. and Roy V. Painter, as

citizens by blood of said nation. Laverne A. Painter is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified on the 1896 census roll and has resided in the nation since her marriage to said Matthew A. Painter, in 1888. He and their three elder children are also identified on the census roll of 1896. The three younger children are identified by birth affidavits.

Title D. 1124 refers to the application of Charles T. Bradshaw for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence P. Bradshaw, and his minor children, Myrtle and Claude Bradshaw, as citizens by blood of said nation. Said Bradshaw was married March 22, 1894, to Florence P. Graham, in accordance with the laws of the Cherokee Nation. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. Florence P. Bradshaw, nee Graham, is identified on the 1894 strip payment roll, and has resided in the Cherokee Nation since 1888. Their children named above are identified by birth affidavits.

Title D. 1125 refers to the application of Joe E. Graham for the enrollment of himself and his minor child, William C. Graham, as citizens by blood of the Cherokee Nation. Said Joe E. Graham is a son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 strip payment roll, and has resided in the nation since 1894. He married Mary Bradshaw on January 6, 1893. William C. Graham is the issue of that marriage. He is identified by a birth affidavit.

Title D.1126 refers to the application of John F. Graham for the enrollment of himself and his two minor children, Mina M. and Robert Lee Graham, as Cherokees by blood. Said John F. Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1896 roll and has resided in the Cherokee Nation since 1888. His children, who are the issue of his marriage to Mattie Lawson, a non-citizen, on February 11, 1900, are identified by birth affidavits

Title D. 1127 refers to the application of James Neal for the enrollment of his wife, Joe Willie Neal, nee Graham, as a citizen by blood. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified upon the 1894 pay roll and has resided in the nation since 1888.

Title D.1128 refers to the application of James M. Graham for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as a citizen by inter-marriage. The said James M. Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 pay roll and has resided in the nation since 1884. On November 2, 1892, he was married to Bessie Willis. The six children named above are the issue of that marriage. The eldest child, Marion, is identified on the pay roll of 1894. The other children are identified by birth affidavits.

The residence of all minor children referred to herein is considered to be that of their parents.

In your decision of December 23, 1902, you held that all of the applicants mentioned above are entitled to enrollment.

Reporting relative to this group October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, in so far as it related to those applicants who claimed by blood, and as to those claiming by intermarriage he recommended that no action be taken at this time.

The Department concurs in the recommendation of the Commissioner, and you are directed to enroll the applicants named above who claim by blood.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, alleging that the decree of the tribal court upon which these claims depend, was obtained through fraud. In this connection, see opinion of the Assistant Attorney General of February 18, 1904, in the Dawson case, copy of which was forwarded to you February 24, 1904.

A copy of Indian Office letter relating to this group is inclosed.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 inclosure.



Cherokee D-836.

Muskogee, Indian Territory, April 12, 1904.

Mathew A. Painter,  
Afton, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 23, 1902, granting, among others, your application for the enrollment of your wife, Laverna A. Painter, and your six minor children, Ada R., Eva P., John W., Ray D., Roberta A. and Roy V. Painter, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

*W. H. ...*  
Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,  
Attorney for Francis M. Dawson, et al.,  
South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis M. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert M., Ralph H., Alford, Samuel R., August, Kate and Robert Dawson, Katie Newman, Josephine, Bera, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola E., Lemuel H., Rosa E., Charles E., Mattie J., Jennings E., James U., Vergal C., Thomas E., Marice J., Orle H., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie W. and Myrtle Lenox, Missouri, Tampa V., Robert S., Gideon, John W., Julius E., Francis M., Mary E., Jesse E., Gracie A. and Florence M. Graham, Laverna A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy W. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E.,  
William S., John F., Edna H. and Robert Lee Graham, Joe Willie Neal,  
James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora,  
Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and  
Ina E. Dawson, Ella L., Hellen J. and William Glenn Spickerman,  
Elbert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah  
A., Martha A., Claud A., Edgar D., Thomas M. and Virgil V. Patterson,  
Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar,  
Wiltorn, James R., Winnie D., Ermine C., Edwin C. and Ancil F.  
Dawson, Etta Brauer, Kitty, Delia F., Minis T. and Jasper Cecil  
Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna  
Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A.,  
William A. and Annie B. Fishback, Lula P., Curtis, Morris O. and  
Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback,  
Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by  
blood of the Cherokee Nation, and dismissing the applications for  
the enrollment of Cecil Dawson, Lizzie and Margaret Graham as citi-  
zens by blood of the Cherokee Nation, they having died prior to  
September 1, 1902, was affirmed by the Secretary of the Interior  
on March 31, 1904, and that the Commission's decision rejecting the  
applications for the enrollment of James, May, Zelma, Roberts, and  
Rosa Lowe, Ocie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of  
the Interior on the same date.

Respectfully,

*T. B. Necales.*

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Bula, Ray, Jessie J., Jacob J., Hugh A., Laura A., John, William R. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert H., Ralph H., Alford, Samuel R., August, Kate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, Ray and Oscar Bulawsky, John, Robert B., Iola M., Lemuel W., Rosa B., Charles B., Hattie J., Jennings E., James U., Vernal C., Thomas P., Mariee J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenz, Missouri, Tempa V., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, Lavonia A., Ada R., Eva P., John V., Ray D., Roberta A., and



Roy V. Painter, Florence K., Myrtle and Claude Bradshaw, Joe E., William C., John P., Edna A. and Robert Lee Graham, Joe Willie Neal, James I., Marion, Lizzie, Luther and Floyd Graham, Hollie, Nora, Walter, Clara, Ora, James A., and Edna Edith Moore, Richard W. and Mrs. E. Dawson, Ella L., Helen J. and William Glenn Spickerman, Albert B., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claude A., Edgar D., Thomas H. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilburn, James R., Vinnie D., Ernie C., Edwin C. and Ancil E. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Etta Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie A. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Elsie and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Lizzie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Rosa Lowe, Ocie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

-3-

of blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

*W. H. Wood*

Commissioner in Charge.

Tahlequah, Indian Territory. May 21, 1904.

Commission to the Five Civilized Tribes,  
(Cherokee Division),  
Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith original cards, jackets and reports in Cherokee doubtful cases as follows:

D-28 John F. Graham  
D-30 Elizabeth Graham  
D-818 Charles T. Moore  
D-826 Mathew A. Painter  
D-1184 Charles T. Bradshaw  
D-1188 Beanie Graham.

Decisions have been rendered in these cases and all the applicants transferred except intermarried applicants. Jackets and records are forwarded to be retained in the office at Muskogee until such time as decisions can be rendered as to the intermarried applicants.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MHR  
Encl 5-20

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE  
COMMISSIONER OF INDIAN AFFAIRS

Land Division  
Claims  
15485-41

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON



Mr. A. M. Landman,

APR -7 1941

Supt., Five Civilized Tribes Agency.

My dear Mr. Landman:

In response to your letter of March 10, in which you request copies of birth affidavits for Myrtle Bradshaw and Claude Bradshaw, there is enclosed one photostat copy of each.

Sincerely yours,

*J. M. Stewart*  
J. M. STEWART  
Director of Lands.

Enclosure 2777675

CHEROKEE 10/4/9

Larva of *Antler* in

See record in case  
See also *Method*  
of *Antler* in



Cher 10750

Florence P. Bradshaw

Trans. from D1124

Cher 10750

CC

INDIAN TRIBES.

H. H. H.

DOUBTFUL.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., FEBRUARY 23rd, 1901.

IN THIS MATTER OF THE APPLICATION OF Charles T. Bradshaw for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and said Bradshaw, being sworn and examined by Commissioner, T. B. Needles testified as follows:

- Q What is your name; your full name? A Charles T. Bradshaw.  
Q What is your age? A Twenty nine years.  
Q What is your Postoffice address? A Muskogee.  
Q What district do you live in? A Canadian.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.  
Q By blood or intermarriage? A Intermarriage.  
Q Whom do you desire to enroll? A I desire to enroll myself and family.  
Q Wife and how many children? A Two.  
Q What is the name of your wife? A Florence P.  
Q How old is she? A She's twenty seven.  
Q When were you married to her? A '94.  
Q Have you any certificate of marriage? A Yes, sir.

Com'r. T. B. Needles: Applicant presents a duly authenticated marriage license and certificate of marriage, certifying that he was married according to the laws of the Cherokee Nation to Miss Florence Graham, a citizen of the Cherokee Nation, on the 22nd day of March, 1894.

- Q What is the name of your wife's father? A John W. Graham.  
Q Is he living? A Yes, sir.  
Q What is the name of her mother? A Missouri Graham.  
Q Is she living? A Yes, sir.  
Q What are the names of your children? A Myrtle.  
Q How old is she? A Five years old last July.  
Q What is the name of the next one? A Claude.  
Q How old is he? A Fifteen months old.  
Q Is Florence Graham 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 Your wife's name is not on the roll of 1890, is it? A No, sir.  
Q Have you any certificate of her admission? A Yes, sir.  
Q Is your wife's name in that certificate? (No response)  
Q Is Missouri Dawson your wife's mother? A Yes, sir.

Pay Roll of 1894 of the Cherokee Nation examined and the name of the applicant's wife appears thereon as follows:  
Page 37, #613, Florence P. Graham, Canadian District.

- Q Do you know why your name and the name of your wife is not on the roll of 1890? A No, sir.  
Q Do you know what your wife's mother's mother's name was?  
A No, sir, I don't.

John W. Graham, being sworn and examined by Commissioner, T. B. Needles testified as follows:

- Q What is your name? A John W. Graham.  
Q What is your age? A Fifty six.  
Q Your Postoffice? A Melita.  
Q Do you know Florence Graham? A Yes, sir.  
Q What is her mother's name? A Missouri Graham.

By Mr. A. S. McKennon, Attorney for Applicant:

Q Are you the husband of Missouri Graham? A Yes, sir.  
Q Where did you first marry her? A In Quarrelle County, Texas.  
Q When? A '66.  
Q When was she admitted to citizenship in the Cherokee Nation?  
A September 9th, 1884.  
Q Was she admitted as Missouri Graham? A She was not.  
Q By what name? A Missouri Dawson.  
Q You were then, however, her husband? A Yes, sir.  
Q Living with her? A Yes, sir.  
Q How many children had you then? A Had nine.  
Q Just commence and name them now? A Gideon, James M., Louverna.  
Q How old was Gideon then? A Sixteen or seventeen.  
Q How old was James M. A About fifteen.  
Q How old was Louverna? A About two years younger.  
Q What is the next one now? A Florence Graham.  
Q How old was Florence then? A She would be about two years younger still than the others.

By Commissioner T. B. Needles:

Q Well, what would her age be; about how old was she?  
A About twelve or thirteen.

By Mr. A. S. McKennon, Attorney for Applicant:

Q What is the name of the next one? A Joe R. and Joe W., a girl; twins.  
Q How old were they? A Nine.  
Q Now the next? A John F.  
Q How old was he? A He is twenty one now.  
Q Four years old then? A Yes, sir.  
Q Is that all at that time? A Yes, sir.  
Q That was all you had at the time you were admitted?  
A Tempie V.  
Q How old was she then? A She would be about two.  
Q Was that all? A Robert Lee; that is all.  
Q Was he with you when you were admitted? A I can not say positively.  
Q How old is he now then? A About fifteen now.  
Q Is that all? A Yes, sir.  
Q All of these children were minors when you were admitted?  
A Yes, sir.  
Q You and your wife were admitted then, or was she just admitted?  
A She was just admitted.  
Q Was she admitted under the name of Missouri Dawson? A Yes, sir.  
Q That was her maiden name, was it? A Yes, sir.  
Q Do you know why she was admitted that way? A No, sir.  
Q She's the same identical person now she is your wife at this time, and the mother of those children? A Yes, sir; that's right.  
Q You were afterwards married to her under a Cherokee license, were you? A Yes, sir.  
Q When? A Right away afterwards; I came on here and complied with the laws of the Cherokee Nation, as my certificate will show.

By Mr. W. T. Hutchings, Cherokee Representative; to APPLICANT RECALLED

Q Did you ever make any application for yourself or any of your family to the Dawes Commission in 1886? A No, sir I did not.  
Q You were never called Charles R. Bradshaw? A No, sir.  
Q Have you ever made any other application to this Commission at any time previous to this? A No, sir, I have not.

By Commissioner T. B. Needles:

Q How long have you lived in the Cherokee Nation?  
A About twenty one years.  
Q You stated that you had lived with your wife continuously since you married her? A Yes, sir.

CHARLES T. BRADSHAW ET AL.

--3--

By Mr. A. S. McKennon, Attorney for Applicant:

Q Did you appear before the Committee - Cherokee Committee - that was making the rolls in 1896? A Yes, sir.

Q Did you understand that you were then enrolled, or that you were not enrolled? A Yes, sir; they took me down then, but I don't know why it is that it does not show now.

Q Took down you and your family, did they? A Yes, sir; myself, wife and one child.

BY COMMISSIONER T. B. NEEDLES: The name of Charles T. Bradshaw is not found upon any of the Rolls of the Cherokee Nation; he makes satisfactory proof of marriage to one, Florence P. Graham, in the year 1894, and her name is found upon the pay roll of 1894; her name is not found upon the authenticated roll of 1890 or upon the census roll of 1896; he avers that his wife is the daughter of John W. and Missouri Graham, nee Dawson, who was admitted to citizenship on the 9th day of September, 1884; the certificate of admission has been exhibited in the case of the application of John W. Graham, and the records of the Cherokee Nation now in the possession of the Commission show that said Missouri Dawson, wife of John W. Graham was so admitted. The applicant avers that he has two children, Myrtle, five years old and Claude fifteen months old, whose names do not appear upon the census rolls of 1896; satisfactory proof is made that said Missouri Dawson was the mother of said Florence Graham, and that at the admission of her mother to citizenship aforesaid, Florence was a minor, twelve years of age; satisfactory proof is also made as to their residence; now comes the Cherokee Nation by its representatives and protests against the enrollment of the said Charles T. Bradshaw for enrollment as a citizen of the Cherokee Nation by intermarriage and his wife, Florence and children, Myrtle and Claude as citizens by blood; consequently final judgment as to the enrollment of the said Charles T. Bradshaw as a citizen of the Cherokee Nation by intermarriage, and his wife and children as enumerated as citizens by blood will be suspended and their names will be placed upon a doubtful card.

In order to perfect the enrollment of said children, it will be necessary for the applicant to file with this Commission satisfactory proof of their birth, their names not appearing on any of the rolls now in the possession of this Commission.

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 23rd day of February, A. D., 1901.



COMMISSIONER.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
FEB 23 1901

# CHEROKEES BY BLOOD AND ADOPTION.

*Cherokee*

*11*

*29*

Date FEB 23 1901

1900.

Name *Charles H. Bradman* *Winstorage, Ga.*

District \_\_\_\_\_ Year ~~1900~~ Page \_\_\_\_\_ No. \_\_\_\_\_

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

Intermarried citizen

Married under what law *Georgia* Date of marriage *22 March 1894*

License *Filed Feb 13, 1901* Certificate *Filed Feb 23, 1901*

Wife's name *Elizabeth B. Bradman*

District *Cherokee* Year *1904* Page *21* No. *3*

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

Intermarried citizen

Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_

License \_\_\_\_\_ Certificate \_\_\_\_\_

Names of Children:

Name	Dist.	Year	Page	No.	Age
<i>Walter Bradman</i>					<i>5</i>
<i>Alma</i>					<i>15</i>

*Two children are born in Cherokee  
This and a child must be supplied*

I, J. H. Roberts, Minister  
of the Gospel, hereby certify that on the 24 day of  
March, 1894 I joined in Marriage, Mr. Thomas  
James, a citizen of the United States, and Mrs. [unclear]  
[unclear], a citizen of the Cherokee Nation, agreeable to the au-  
thority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand on this the 24 day of  
March A. D., 1894.  
J. H. Roberts

Recorded by me this 24<sup>th</sup> day  
of March 1894

George Jennings

Clerk Canadian District

CN

"B"

A 119-A

FEB 23 1901

H I T H D

DEPARTMENT OF THE INTERIOR,  
MISSION TO THE FIVE CIVILIZED TRIBES

# Marriage License.

CHEROKEE NATION, I. T. }  
*Carrollton* 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. *Charles B. Bushaw*, a citizen of the United States and Miss *Florence Graham*, 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 19<sup>th</sup> day of March

A. D. 1897.  
*George Jennings* Clerk,  
*Carrollton* District.

R.

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, July 21st, 1902.

In the matter of the application of Charles T. Bradshaw for the enrollment of himself as a citizen by intermarriage of the Cherokee nation and for the enrollment of his wife Florence P. Bradshaw and his children Myrtle Bradshaw and Claude Bradshaw as citizens by blood of the Cherokee nation.

Supplemental to B-1124.

Appearances:

A. G. McKinnon for Applicants.  
W. W. Hastings for Cherokee Nation.

DICK NEAL, being duly sworn, testified as follows--  
Examination by Mr. McKinnon.

- Q. What is your name? A. Dick Neal.  
Q. What is your age? A. 44.  
Q. Where do you live? A. Down here at McLain, Canadian district.  
Q. Is that in the Cherokee nation? A. Yes, sir.  
Q. Do you know Florence P. Bradshaw? A. Yes, sir.  
Q. How long have you known her? A. 10 or 12 years. I know her father.  
Q. Where does she reside? A. Out here 4 or 5 miles in the Cherokee nation.  
Q. How long has she resided in the Cherokee nation? A. I don't know. I have known her 10 or 12 years.  
Q. Has she been living in the Cherokee nation all the while?  
A. Yes, sir.  
Q. Is she there yet? A. Yes, sir.

Examination by Mr. Hastings.

- Q. Do you know when she came to the Cherokee nation? A. No, sir. I know when she came there. They swapped places with Parks. My place and Parks' joined. I know that.  
Q. When was that? A. Some 10 or 12 years ago. I don't know. It was at least 10 years ago.  
Q. That was the first time you knew of them? A. Yes, sir.

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.

Subscribed and sworn to before me this 21st day of July, 1902.

*Jesse O. Carr*  
*W. W. Hastings*



DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, October 20th, 1902.

In the matter of the application of Charles T. Bradshaw for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Florence P. Bradshaw, and his children, Myrtle and Claude Bradshaw, as citizens by blood of the Cherokee Nation.

Supplemental to D-1124.

CHARLES T. BRADSHAW, being duly sworn, testified as follows:  
Examination by the Commission.

- Q. What is your name? A. Charles T. Bradshaw.
- Q. How old are you? A. 30.
- Q. What is your post office? A. Muskegee.
- Q. Are you a white man? A. Yes, sir.
- Q. The are claiming the right to be enrolled as a Cherokee citizen by intermarriage? A. Yes, sir.
- Q. What is your wife's name? A. Florence P. Bradshaw.
- Q. Is she a Cherokee by blood? A. Yes, sir.
- Q. Is she the wife through whom you claim the rights of citizenship? A. Yes, sir.
- Q. How long has she been living in the Cherokee Nation? A. Well, I couldn't tell you exactly. About 16 years, I think.
- Q. Was she admitted to citizenship in '83? A. I think so.
- Q. When were you married to her? A. 22nd of March, 1894.
- Q. Were you married under a Cherokee marriage license? A. Yes, sir.
- Q. Is Florence P. your first wife? A. Yes, sir.
- Q. You are her first husband? A. Yes, sir.
- Q. Have you and Florence P. lived together ever since you were married? A. Yes, sir.
- Q. Never been separated? A. No, sir.
- Q. Living together now? A. Yes, sir.
- Q. Has the Cherokee Nation been your home ever since you were married? A. Yes, sir.
- Q. Never lived anywhere else? A. No, sir; not since I was married.
- Q. How many children have you? A. Two.
- Q. Are they both living? A. Yes, sir.
- Q. Both living at home? 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.

Subscribed and sworn to before me this 20th day of November, 1902.

*Jesse O. Carr*  
*B. C. Jones*

IN THE MATTER OF THE APPLICATION OF FRANKIE MARION BULAWATY, wife and children for enrollment as citizens of the Cherokee Nation, and for being sworn by Commissioner, U. S. Department of the Interior, as follows:

IN THE MATTER OF THE APPLICATION OF FRANKIE MARION BULAWATY, wife and children for enrollment as citizens of the Cherokee Nation, and for being sworn by Commissioner, U. S. Department of the Interior, as follows:

- Q What is your full name? A Frankie Marion Bulawaty.
  - Q What is your age? A 31 years and 6 months old.
  - Q What is your birthplace? A Georgia.
  - Q What District do you live in? A Delaware.
  - Q Who is it you want to have enrolled? A Myself and family.
  - Q Your wife? A Yes, sir.
  - Q How many children? A Six.
  - Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
  - Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.
  - Q How long have you lived in the Cherokee Nation? A Since 1933.
  - Q Were you admitted by the Cherokee Commission? A Yes, sir.
- The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1933, certain persons were admitted as citizens on citizenship, and among them appears the name of F. M. Bulawaty.
- Q That is your name is it? A Yes, sir.
  - Q This is recognized as an accurate recollection of the facts stated.
  - Q Have you lived in the Cherokee Nation since your admission? A Yes, sir; in Delaware District Creek Area.
  - Q Give us the name of your wife? A Maude Bulawaty.
  - Q How old is she now? A Forty five.
  - Q Was she admitted with you? A No, sir.
  - Q Have you married her according to Cherokee law since your admission? A No, sir.
  - Q You have not remarried since your admission? A No, sir; it was not necessary.
- The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1930, by the Rev. R. E. Goodrich, in Carroll County, Arkansas, the license being issued by the clerk of that County.
- These papers are filed herewith.
- Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.
  - Q Or at any other time? A No, sir.
  - Q By act of the Commission or Council? A No, sir; she was blood on the rolls.
  - Q On the census rolls? A Yes, sir.
  - Q Give us the name of your children, please? A Lula.
  - Q How old? A 11 years.
  - Q Next child? A Willie.
  - Q How old? A 9 years.
  - Q Next child? A Maude.
  - Q How old? A 7 years.
  - Q Next child? A Frank.
  - Q How old? A 5 years.
  - Q Next child? A Willie.
  - Q How old? A 3 years.

- Q Next child? A Laura.  
 Q How old is that child? A She is four years old.  
 Q Is she still? A Yes, sir; six of them. I have others, but they are not here.  
 Q Are they married? A No, sir.  
 Q Are they over age? A Yes, sir.

- (1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.  
 (1896 Roll, Page 569, #135, Katie Dawson, Delaware District.  
 (1896 Roll, Page 461, #903, Lula Dawson, " "  
 (1896 Roll, Page 461, #904, Ray Dawson, " "  
 (1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dist.  
 (1896 Roll, Page 461, #906, Jacob Levy Dawson, " "  
 (1896 Roll, Page 461, #907, Hugh A. Donahoe Dawson, " "  
 (1896 Roll, Page 461, #908, Laura Albertie Dawson, " ")

Q Is this Lula or Luly? A Luly.  
 The applicant applies for the enrollment of himself, wife and six children:

Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1883; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission; she has never been remarried according to Cherokee law; she has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

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. Craven.

Subscribed and sworn to before me  
 this 10th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment  
of F. V. Dawson and others as  
Cherokee citizens.

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Hall building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1890, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q State your name, age, residence and occupation?
- A T. F. Thompson, 52 years old, I live near Vinita, Cherokee Nation.
- Q I am a farmer.
- Q How long have you resided in the Cherokee Nation? A All my life.
- Q Are you a citizen of the Cherokee Nation as now constituted?
- A Yes, sir.
- Q Upon what is that citizenship based, blood or otherwise?
- A Blood.
- Q What, if any official position have you held in the Cherokee Nation, and at what time?
- A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
- Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
- Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
- Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
- A There were three, Tabor, Wolf and myself, Tabor was President of the Court.
- Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
- Q Did you have a clerk? A Yes, sir.
- Q Do you remember his name and what? A D. W. C. Dunham.
- Q Do you know whether or no members of that Commission besides yourself, are living at present? A Yes, sir, they are both dead.
- Q Can you state for what period of time that Commission lasted?
- A About two years, two sessions, and there was one session each year.
- Q Were the sessions of that body held in Tahlequah, open to the public at all, and were they held in session?
- A Yes, sir.
- Q Were the same sessions that body held in open session?
- A Yes, sir.
- Q Witnesses examined, correct? A Yes, sir.



Q Judgments of the Court or Commission pronounced in open session?

A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.

Q What you intended to convey by your answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.

Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?

A I recognize the signature to it, but don't remember the instrument.

Q Which signature on that paper do you recognize? A My own.

Q That signature is in your own handwriting? A Yes, sir.

Q Do you know whether Thomas Teehee, president of the Commission could write in English or not? A No, I don't think he could.

Q How as to Alexander Wolfe, a member of the Commission?

A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.

Q Were you, and are you familiar with the handwriting of D. F. C. Duncan, the Clerk of that Commission?

A Tolerably well, but it has been a long time since I saw any of it.

Q Will you look at the paper again and say whether you recognize his signature attached thereto?

A Yes, that is his signature to the best of my knowledge.

Q Do you preserve any personal recollection of the application before that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by that Commission?

A I remember F. M. Dawson and his brother, that is about the only ones I remember.

Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?

A Yes, there was such a claim before the Commission.

Q Can you state as to the citizenship of Thomas Teehee, whether he was a citizen of the Nation by blood or not?

A Yes, sir, he was always recognized as such, full blood Cherokee.

Q What is your knowledge of Alexander Wolfe?

A About the same, he was also a full blood and recognized as a Cherokee.

Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?

A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

#### CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?

A Yes, sir.

Q When Mr. Dawson certified that this is a transcript of the decision in the case, he is mistaken, that is the original?

A No, I don't know, that may be the original, if that is not the original I do not sign it, if it is the original I sign it.

Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took or wrote



affidavits of witnesses when those witnesses were not present?

A I think we ruled ex parte evidence out, as well as I remember.

Q Did you have any stenographer or anybody to copy the evidence?  
Mr. Duncan did all of the copying.

Q Was the evidence copied and preserved?

A Yes, sir, I think it was.

Q What was done with that evidence, where was any of it ever put?

A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.

Q When you went into secret session did you have Mr. Duncan read that evidence to you?

A Yes, sir, we went over the evidence thoroughly.

Q Did you allow the applicants or their attorneys admission to any of your secret sessions?

No, sir.

Q When you got ready to render your decisions did you then send for the applicants or their attorneys?

A No, sir.

Q And you rendered them in secret also, did you? A Yes, sir.

Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.

Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.

Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.

How could your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.

Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.

Q Who was the attorney for the Dawsons? A Old man Houston Bengé.

Q Could either Teece or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.

Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.

Q How long were you considering the case altogether?

A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.

Q There were only two or three witnesses examined all told, were there not?

A I think no, three I think, they had quite a lot of affidavits, but we did not consider them.

Well the Court was a good while arriving at its conclusion after the evidence was closed?

A Yes, quite a good while, I don't remember the exact time.

#### RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Court Indian had during the hearing of the Dawson case.

A Sir name was Reese, I forget his given name.

Q Do you know whether he is living or dead?

A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.

Q What was he, a Cherokee by blood?

A He was considered a Cherokee by blood.

Q Do you know where he lived at that time?

A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,  
Indian Territory,  
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, hereby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C, Mich Record Mortg. & Liens, page 339,

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation,  
Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,  
TANLEQUAH, CHEROKEE NATION, JANUARY 11th, 1893.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbur Dawson, James Dawson, Rial Dawson,  
VS,  
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1893, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbur Dawson, James Dawson, and Rial Dawson, the Cherokees by blood, are and they are entitled to all the rights and privileges of American Citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan,	)	Thomas Tehee, President of Com.	
Clerk of Commission.	)	Alex Wolf,	)
		T. F. Thompson,	)
			Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883. D. W. C. Duncan, Clerk of Commission.

Executive Department,  
Tahlequah, Cherokee Nation.

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the  
Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,  
Asst. Ex. Secretary.

United States of America,  
Indian Territory,  
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900. \* The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd, 1903..

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

Q Please state your name, age, residence and occupation?

A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.

Q How long has that been your place of residence? A Since 1874.

Q Are you a member of the Cherokee Nation as it is now constituted?

A Yes, sir.

Q Upon what is your citizenship based, a Cherokee by blood?

A Yes, a Cherokee by blood.

Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?

A About that time I held the position of clerk of the Citizenship Court or Commission.

Q If you remember the names of the members of that Commission or Court, please give them?

A The President of the Commission was Teneo I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.

Q T. F. Thompson?

A Yes.

Q Do you know whether these three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?

A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.

Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragden, Clerk, and of John L. Asair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?

A Yes, I think I have seen this before.

Q When, and where, if you remember, did you first see that paper?

A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.

Q Looking at its date, was it drawn at you at the time it bears date?

A To the best of my recollection it was drawn at the date specified.

Q Do you recognize the signature to the certificate attached to that paper?

A Yes, that is my signature.

Q So that if you know, in whose handwriting the body of the paper is?

A It is in my handwriting.

Q And at that time you were Clerk of that Commission? A Yes.

Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?

A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.

Q Explain please, how you came to write the signatures of Thomas Teneo and Alex Wolfe to that paper?

A Thomas Teneo and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?

A In all instances where it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and T. P. Thompson to sign his own name.

Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call you attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q If you had any knowledge at the time the application of the Dawson family, F. H. and others whose names are mentioned in the paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. H. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?

A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.

Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?

A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q How was the evidence taken in those cases?

A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existence or not?

A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.

Q You say you never heard any talk about this being an improper case until very recently?

A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.



Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence: the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.  
My commission expires 2/3/1902.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., April 8, 1908.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation, he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.  
Q How old are you? A Soon will be sixth years old.  
Q What is your postoffice address? A Afton now, it used to be Osburn.  
Q What was the name of your wife? A My first wife was Julia Ann Howard.  
Q She was a white woman? A Yes, sir.  
Q When were you married to her? A I think it was the 8th of January, 1864.  
Q Where were you living at that time? A In Arkansas.  
Q Who married you? A A man by the name of Dave Sturdy.  
Q Was he a preacher? A Yes, sir.  
Q A minister of the Gospel? A Yes, sir.  
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.  
Q Did you have any children by her? A Yes, sir.  
Q What are their names? A Willia R. Dawson.  
Q The next one? A Francis Marion Dawson Jr.  
Q The next one? A Johnnie.  
Q The next child? A Elizabeth.  
Q The next one? A Arizona Allred.  
Q These are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.  
Q How old are you? A I will be 51 the 18th day of June.  
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.  
Q How are you related to him? A Brother.  
Q Did you know his former wife, Julia? A Yes, sir.  
Q Is she living or dead? A She is dead.  
Q Was she a Cherokee or white woman? A I couldn't say what they married in the states.  
Q Do you know when he was married to her? A Yes, sir.  
Q When was it? A About the close of the war.  
Q Who married them? A Parson Sturdy.  
Q Were you present when they were married? A Yes, sir.  
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.  
Q How old are you? A 50 years old.  
Q What is your postoffice address? A Afton.  
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Bud Dawson.  
Q How long have you known him? A My first acquaintance with him was in '61.  
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.  
Q Were you present at the ceremony? A No, I wasn't present at the marriage.  
Q Did you see them soon after their marriage? A Yes, sir.  
Q Did you continue to see them for the length of time afterwards I knowed them as long as they lived?  
Q During the time you saw them did they ever live together as husband and wife? A Yes, sir.  
Q Were they recognized by the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following character cases:  
Arizona Alford et al D-535, John Dawson, D-580, William R. Dawson D-581, Lissie Dawson D-584 and Francis M. Dawson Jr. D-585.

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

(signed) E. C. Rathenberger.

Supl.-C. D. #324.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the  
following proceedings were had:

APPEARANCES:

Mr. A. S. McKennon, of counsel for applicants;  
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Bengé, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Bengé. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Bengé if present would testify to the facts therein stated. They consent and desire that the testimony of said Bengé be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existence anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

I am not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS H. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

- Q What is your name? A Francis H. Dawson.
- Q Where do you reside? A In Afton.
- Q You have been examined in this case heretofore, have you?
- A I don't know which case it is.
- Q In your own case? A Yes, sir.
- Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
- Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? A No, sir; my brother.
- Q What was his name? A A. E. Dawson.
- Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
- Q And you were admitted about the 11th of January '83? A Yes, sir.
- Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
- Q Do you or not remember the evidence offered in theirs to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Territorial Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; what was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
- A That is afterwards.
- Q Yes, afterwards? A I think there was some other evidence introduced.
- Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas of 1860, sir.
- Q Who was that? A Oliver Miller.
- Q Who was Oliver Miller; the picture in this case was been examined destroyed and mutilated? A Oliver Miller lived in Arkansas.
- Q What was he, was he a doctor? A He is so said to be at that time.
- Q Well, what station in life did he occupy; was he a farmer?
- A Yes, sir, farmer.
- Q Were you present when he testified? A Yes, sir.
- Q Were you present when Dr. Baker testified? A Yes, sir.



- Q Have you a fair recollection of the testimony of those two men?  
 A No, not at all.
- Q You don't read do you, Mr. Dawson? A No, sir, I don't read nor write; I can barely write my name.
- Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
- Q Were you present when you were admitted? A I was not in the room.
- Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
- Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:  
 (Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
- Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
- Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
- Q Now, you were a son of what Dawson? A Robert Dawson.
- Q How many children did Robert Dawson have, and give me their names?  
 A Elbert Dawson, the oldest; Lila, Jasper, Francis Marion.
- Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
- Q Thirteen? (No response.)
- Q Now, Robert Dawson's father was whom? A Sam Dawson.
- Q Who was Sam Dawson's wife, your grandmother? A I have been told.
- Q By family history is all you know? A She was called Polly Dawson.
- Q Who was Anna Pruitt? A I don't know.
- Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
- Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
- Q Pollie Dawson? A Yes, sir.
- Q Ans she was known to be Pollie Rogers, her maiden name? A Yes, sir.
- Q Daughter of Captain John Rogers? A Yes, sir.
- Q Now, she died in Texas what time? A I don't remember.
- Q Can't you guess at it? A Oh, I could guess.
- Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
- Q How old a boy were you then? A I was born in '42.
- Q Have you any distinct recollection of her? A No, sir.
- Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
- Q Do you know by family history the names of all of them? A Yes, sir.
- Q Will you give them to me?  
 A Betsey Ann Dawson, I believe her name was.
- Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
- Q Your father? A Yes, sir.
- Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
- Q Did he have two daughters? A Yes, sir.
- Q Tell sir? A The next one was Joe Dawson; I never saw him; Wiley Dawson.

- Q That is Samuel E. Dawson, Riley Dawson? A Yes, sir.  
Q Any other one? A That is all I know anything about.  
Q Did he have any child by the name of John? A Yes, Jack.  
Q Didn't you get Jack displaced with Joe? A No, it was Joe; I have heard my father speak of him.  
Q Then they have seven children? A I never saw them all.  
Q How many of them did you ever see? A I see uncle Riley Dawson and James Dawson and Jack Dawson and Retay Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.  
Q Do you know what your family history says that the mother of your grand mother, Pollie Rogers' name was? A We have no history.  
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.  
Q What is that other man, Oliver Hiller that testified in your case? A He testified in James Dawson's case; he never testified in my father's case.  
Q Well, didn't anybody testify in your case but Dr. Baker?  
A Yes, sir, several other witnesses.  
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.  
Q Were you present? A No, sir.  
Q You were only present when Dr. Baker testified? A Yes, sir.  
Q Now, do you find any mistakes in Dr. Baker's statement there?  
A I could not say all of them was correct or not, part of it is correct.  
Q What part is correct? A They about knowing the family over there.  
Q Who is Buck Dawson? A My brother.  
Q What is his name? A He always called him Buck, it is Albert, E. Dawson.  
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.  
Q The first time? A I got my brother in Texas.  
Q Which one? A E. Dawson.  
Q That is Albert or Buck? A Yes, sir.  
Q You were living in Arkansas? A Yes, sir.  
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.  
Q Dr. Dawson now? A Yes, sir.  
Q What is his name? A James.  
Q And you three sons, is it? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

-C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:  
MR. BUCHANAN:

Q State your name? A C. H. Taylor.  
 Q Where do you reside, Mr. Taylor? A In near Coffeyville.  
 Q Were you an attorney before various office courts along in '81 to '87 in the Cherokee Nation at Tahlequah? A Yes, sir.  
 Q Were you attorney for F. H. Dawson well known as Bud Dawson?  
 A Yes, sir.  
 Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.  
 Q Do you know who composed the court that decided the case at that time? A Yes, sir.  
 Q Who were they? A Tom Tohe and Alex Wolfe and Tony Kroppson.  
 Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.  
 Q Which two? A Tohe and Wolfe.  
 Q Who was the Clerk of the Court at that time? A Mr. Duncan, B. F. C. Duncan.  
 Q Do you know what witnesses were used in the case of Bud Dawson?  
 A No, sir; now I was the attorney in the case and the evidence had already been filed before the court.  
 Q What were you paid attorney? A I was only called in as an attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.

Q Did you read the evidence in this case? A No, sir.  
 Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to take any statement.  
 Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the court or the Clerk of the Court, B. F. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.

Commissioner: Just answer the question, Mr. Taylor.  
 A Being the attorney I don't believe it is right for me to answer that question.

Commissioner: Do you refuse to answer? A Yes, sir.  
 Q Did it matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:  
 Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.  
 Q Mr. Taylor, do you object to answering that question? A Yes, sir.  
 Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.  
 Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privilege, as an attorney, is that right? A Yes, sir.

Commissioner Breckinridge: The court in regard to these matters is lodged in the United States. The court is clothed with special power with reference to matters arising through this Commission. It is the duty of the Commission to determine the facts and to report the same to the United States Court and let the Court be judge of the law. It is not the duty of this Commission to decide on the law. It is the duty of the Commission with any propriety as I understand it at this time, not to report the facts to the United States Court and let the Court be judge of the law.

Under Section 21 of the Circuit law as it is commonly called Act of June 23 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are wit in your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.

Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any of the officers of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.

Q Now, I require that you answer that question, do you refuse? A Yes, sir.

Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COMMISSIONER TRECKINBRIDGE:

Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Treckinbridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-day or afternoon, March 10, 1908.)

Supl.-C. D. #124.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
FRANCIS H. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:

Mr. A. S. McKennon, of Counsel for applicants.  
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows  
on part of the Cherokee Nation:  
W. T. HUTCHINGS:

- Q State your name? A Samuel H. Benge.  
Q Where do you reside? A Fort Gibson.  
Q How old are you? A I am 70 years old, going in 71.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee  
by blood.  
Q State what official position you have held in the Cherokee Nation  
and what your general connection with the Nation officially in the  
last 40 years? A Well, I had several; I have been Sheriff,  
Councilman, Senator, Delegate to Washington; had a hand in making  
the treaty of 1866, I am the only one living that signed that treaty;  
President of the National Council of different tribes of Indians.  
Q Were you acquainted with F. H. Dawson, commonly called Bud  
Dawson? A Yes, sir; I know him.  
Q State your connection with and what you know about his citizenship  
case before what is known as the Thomas Tehee Citizenship Court?  
A Mr. Dawson come down, I was living down below here, he come and  
employed me to lead to his case and we went to Tahlequah, I believe  
if I ain't mistaken in 1891 and filed his case there; we went  
several times and continued his case on for the want of evidence,  
and finally while we was up there we run across one old darkey by  
the name of Tosh Rogers; we got his testimony and after we got  
that testimony we concluded that it was sufficient to go into the  
trial with. Tosh lived here at Fort Gibson, he was a horse trainer  
down here and stayed here; he claimed that he knew the Rogers and  
belonged to one of them and after that we thought we had sufficient  
evidence we submitted our case to the Court for trial, and the Court  
went to work and rendered a decision against Mr. Dawson.  
I told Mr. Dawson right there that "our case is dough", just made  
that remark, and he just made the remark "never mind", and next  
morning they taken up his case again and they rendered a decision in  
his favor. I filed no objection nor any evidence at all whatever; I  
give the case up right there and the decision was then given in his  
favor, and on our way back from Tahlequah, why we got to talking  
about the case and I told him: "it was a pretty hard blow when they  
rendered that decision against us." He said: "yes, but Duncan was  
the man to reach", but he reached him with five hundred dollars.  
Q What position did Duncan occupy? A He was a clerk of the Court.  
Q How long an educated man or? A Yes, sir; no was an educated man.  
Q Who were the members of the Court? A Tom Tehee, Alex Wolfe and  
Tom Thompson.  
Q How many of these could speak English at all? A One.  
Q Which one? A Thompson.  
Q Who was the Attorney that represented the Nation in these cases?  
A Myself.



Q What was his given name? A Wilson Sanders; was it Wilson Sanders?  
A Wilson Sanders.

Q Was he an educated man, or could speak English well? A No, sir.

Q Did Mr. Dawson say anything about the Sanders having cost him a good deal of money? A He said it had cost him a right smart.

Q Was any remark made on the way back about the opening up of the case, was it so, what? A He asked me if I thought the case was ever investigated eventually and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man come to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about checked out and I interceded and done that I could there before the Committee. I was not a witness but that is all that I don't for him.

Q That was Mr. Graham, wasn't it? A Yes, sir.

Q Have you had conversations with Mr. Graham since that time about it? A No, I might, I don't recollect, I might have had conversations with him.

Q Well, after the Dawes Commission began taking a census of the Cherokee and when they were about Sallisaw down here, did you have conversation with him here in Fort Gibson about the matter?

A No, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.

Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know if you whether that judgment in favor of Robert Dawson's family was fairly considered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all that is all that I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that was just the words he used.

Q Where? A It has been sometime ago.

Q Where in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.

Q Well, did he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?

A No, sir; he was basing his claim on the Dawson case, that is the way he-

Q What is the principal Dawson family? A Yes.

Q When was this other written statement here made, when was this taken by you? (referring to affidavit heretofore referred to.)

A Yesterday I reckon.

Q Who came to take this? A Mr. Starr.

Q Who else was present when this was taken? A No, sir.

Q When had you told about this matter, Judge? A No one as I know of.

Q Do you know how it was that they knew that you knew this?

A No, sir.

Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Soles, me and him

talked about these cases a good many times; if I ever made a statement it was to Joe Ab Soles.

Q How did Mr. Starr learn? A I could not tell you how Mr. Starr

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said "what case." and he went to work and named Sheenake case and Dawson case. Q And thereupon you made this statement? A He said he wanted to qualify me.

Q Are you certain Judge that after the rendition of that judgment Mr. Dawson came back here to Fort Gibson with you?

A Yes, sir; we was together.

Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.

Q Did you returned here together? A Yes, sir.

Q Did he not leave you there and go back direct to Arkansas?

A Yes, sir, we came here together. If my memory serves me right, I don't believe he mistaken but then I don't believe I am, he came from Fort Smith calls up here to my house, that is according to his statement.

Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.

Q How did they pay you? A Paid me the money.

Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.

Q Mr. Graham? A Yes.

Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.

Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.

Q Where did he pay you the money? A Paid it here at home.

Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundred dollars.

Q You were acting as his attorney in the case? A Yes, sir.

Q How many judges were there present when the judgment was rendered?

Q In this case? A Well, according to my recollect there was all three, but if they were not all there, Tom Thompson was sick. Tom and Wolfe.

Q Don't you remember that they were all present? A No, I think they were present though.

Q The case was rendered at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.

Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.

Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.

Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.

Q How long did you reside out at Tahlequah on that trip?

A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A No, sir.

Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present)

A I don't know whether the judges received nay or not.

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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 had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.  
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.

Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones?

A No, the only thing that ever come up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.

Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.

Q Did you see him again that night? A Yes, sir; after supper I went down to his room.

Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.

Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.

Q You carried Dawson to him? A Yes, sir.

- Q Did you remain during the conversation? A Only a minute.
- Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
- Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
- Q Did you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together yourself? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
- Q The next morning? A Yes, sir.
- Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q Was it called up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
- Q Could they speak English at all? A Tehee could talk a little, talk some.
- Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted to attorneys would go out. The parties would go out and they would determine the case.
- Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
- Q And was the decision rendered that morning in their favor? A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
- Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
- Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
- Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it.
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Just submitted it on the testimony? A Yes, sir.
- MR. McKENNON:**
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q Then did you come to the Cherokee Nation? A Come here in 1865.  
Q How long have you been practicing law in the Cherokee Nation?  
A I think since '68.  
Q You have done a great deal of citizenship business haven't you?  
A Yes, sir.  
Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.  
Q Were you convicted there? A Yes, sir; I was convicted there on this very case.  
Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 28 or 29 days, and I was released.  
Q When was that? A I don't remember how long ago it has been.  
Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention, Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.  
Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the mail for fraudulent purposes.  
Q Sending out propositions and obtaining base for citizenship for people in the Cherokee Nation? A No, sir, it was for answering correspondence.  
Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.  
Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the mail for fraudulent purposes.  
Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.  
Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.  
Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.  
Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.  
Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.  
Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.  
Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he asked me and I come down here and I didn't want to make a statement to him but he insisted.  
Q He had no power to compel you to make a statement? A No, sir.  
Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.  
Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.



Q You know when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?

A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.

Q You thought you would not be compelled to answer?

A I didn't think the law would compel me to make a statement.

Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.

Q When the enrollment division of the Deves Commission was in Tahlequah, in the winter of 1900, did you not there meet P. M. Dumas and did you not then and there say to him or told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you? A No, sir; I said to him this; I says that if there is not something done that I will likely be summoned against you and Mr. Shoemaker both.

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.

Q When you told him if something was not done you would be summoned as a witness against him what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you meant? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.

Q If he would put up you would not testify? A That they could not force me to testify.

Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Sid Graham; "you people are on the doubtful list and if you will give me \$500, I will make it all right and see that you are enrolled and if you don't I will see that you don't get on?" A No, sir; I got a letter from Sid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir," I didn't make any bid, that is I didn't set

no price on it.

Q You did not say to him then that I have embraced in that question?

A No, sir.

Q You did have a conversation with him about that time and at that time?

A Yes, sir.

Q You did not make any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you not send for him to come to the hotel? A In answer to his letter.

A Did you not yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it?" No, sir; I says to Mr. Shoemaker, I says: "who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your case;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possibly avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I don't know now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he has no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you know that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the court.

Q Well, that did he reply, as you said just now? A Oh, he says make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used?

A Well, I didn't think that I could be forced to make a qualified statement before the court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk by his lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.

Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.

Q You were present in Tahlequah? A Yes, sir.

Q How long had you been at Tahlequah? A I was living there at that time.

Q When were you first employed by them? A By Dawsons?

Q Yes, sir. A The evening before the case was tried.

Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.

Q And told you to hand to Duncan? A No, sir.

Q What was your statement? A That he paid me \$20 and says "I will send you some more in a short time, week or so.

Q And then he sent you \$100? A Yes, sir.

Q And wrote you to give D. W. C. Duncan \$50 of it? A Yes, sir.

Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.

Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.

Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Starler's and got it changed—I won't be sure about it being \$50 or \$100—I went to Starler's and got him to cash the check and give him his part of it.

Q How much did they pay you for your services? A That is all I got.

Q How much? A I think it was \$100, \$120.

Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.

Q Submitted it without remarks? A Yes, sir.

Q And for that you say they paid you \$120? A Yes, sir; \$120.

Q Was Houston Benge present when that was one? A No, sir; I don't think he was.

Q Did you see him then at that time in Tahlequah? A I don't remember.

Q Were you associated with him in any manner in connection with the case? A No, sir.

Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.

Q Were you paid like fees in other cases for like services?

A Yes, sir.

Q In many of them? A Yes, sir, good many.

Q All like cases? A Oh, citizenship cases.

Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Mellette can remember, he was there, he was by attorney.

Q Was it about 1887? A It was somewhere along there, along in 1888 somewhere.

Q That has been your principal business as a lawyer, has it not?

A Yes, sir.

Q You have never practiced much in any other way have you? A Very little.

Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$50 a family for doing that? A Yes, sir.

Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case?

A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Afton.

Q How old are you? A 73 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of F. H. Dawson and the other Dawson? A I know old man James Dawson.

Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.

Q How long have you known him? A Well, some four or five years, I guess.

Q How long? A Four or five years I think.



Q When did you come to the country? A I have been in the country 70 odd years.

Q Well, when did he come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.

Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

P. R. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

P. R. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 56.

Q Were you ever an applicant for citizenship before the Tennessean citizenship Court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Buck Dawson? A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharbow.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

A Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state just you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?

A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witnesses I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 35 or 30 years old, he said, and he hadn't come and said he was to have let him there, but he hadn't come.

Q Well, what did he say about the doctor's knowing anything?

A Well, he said he was 35 or 30 years old and didn't know straight up.

Q Well, did he say anything about giving him whiskey?

A Well, he said he could give him four drinks of Arkansas whiskey and he could swear that black was white.



- Q Will he say anything about the money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was that made the sure go down in Texas and he said "I come to get the best of the land" and he says "I found out it goes here," or words to that effect.
- Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.
- Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.
- Q Well, where did he go from there? A He and I left there together; he rode to Muskogee by way of Fort Gibson and there we parted.
- Q Did you ever see him after that? A I saw him about two years or something like that afterwards.
- Q Where? A Vinita.
- Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.
- Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.
18. HOKERSON:
- Q Your first conversation with him was in '81 was it? A Yes, sir.
- Q What time in '81? A September.
- Q You were then an applicant for citizenship? A Yes, sir.
- Q Were you admitted? A No, sir.
- Q You are still an applicant? A No, sir.
- Q You are still working to get in as a citizen of the Cherokee nation? A No, sir; haven't quit it entirely.
- Q What business are you in now? A I am running a dairy in Vinita.
- Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.
- Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.
- Q You don't know how they found that out? A No, sir.
- Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.
- Q Now, did you approach him or did he approach you? A He approached me.
- Q You know why? A No, sir; I suppose somebody I have told someone at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.
- Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know what fit up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.
- Q Now, he said that didn't he? A Yes, sir.
- Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.
- Q You say you next saw Dawson at Vinita? A Yes, sir.
- Q How long afterwards was that? A About two years, I think something near that.
- Q Did he rove to the Territory? A Yes, sir he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.

Q Do you run a dairy wagon there? A No, sir.

Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.

Q Generally? No, sir.

Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Berokke Motion:

MR. HUTCHINGS:

Q State your name? A C. G. Braught.

Q What is your age? A 62 29th day of last January.

Q What is your post office? A Fairland.

Q How long have you been living in the neighborhood of Fairland?

A Been living there 19 years.

Q Do you know one Bud Dawson or F. M. Dawson as his name is?

A I do.

Q How long have you known him? A About 13 years.

Q How close do you live from him? A Half a mile of him.

Q Does he still own that place? A I think he does.

Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.

Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.

Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.

Q Did he state the name of that witness? A No, he did not.

Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.

Q Do you know what time of the year that was, whether it was in the summer or not? A I think it was in June.

Q Did he make any other statements to you at any other time?

A No, sir, I don't think he has in regards to that matter.

Q You have been living neighbors with him? A Yes, sir.

MR. MCKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.

Q You were an applicant; were you admitted? A No, sir.

Q Have you been admitted? A No, sir.

Q You are still an applicant? A Yes, sir.

Q Still trying to get in? A Yes, sir.

Q Where was this conversation had? A Had at Bud Dawson's house.

Q What part of the premises that is, in his residence?

A Yes, sir.

Q In the house? A Yes, sir.

Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.

Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.

Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.

Q He and you are enemies are you not? A No, I don't think we are enemies.

Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.

Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.

Q Didn't you have his little boy arrested recently for a difficulty?

A Yes, sir.

Q And you say that you are not on bad terms with him?

A Why we speak, have conversation, have right talk along all the time.

Q Is it not a fact now that you and he have been all the while at outs? A No, sir.

Q You don't have any unkind feeling towards him? A No, sir.

Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.

Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of Counsel for Applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. MCKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.

(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.

Q What is your post office? A Dawson now.

Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.

Q Recognized as such are you? A Yes, sir.

Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewhere between 44 and 45 years old.

Q Were you personally acquainted with one Elbert or Buck Dawson?

A I knew Buck Dawson when I saw him.

Q Did you know him in the State of Texas, if so state what time?

A I knew Buck Dawson, knew him and saw him at different dates in Texas.

Q Well, in the year '81 in Clay County, Texas, did you ever see him?

A It was in '81 or '82, I think I know him in both years.

Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flynn and Joe Fletcher about his application for citizenship in the Cherokee Nation?

A Mr. Brown and Jiles were talking in regard to that then there was a man there who

it was mentioned, I was going up on the strip and Buck Dawson says "He an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe in the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."

Q What did he say about making a violation? A He said he was going to the Chickasaw Nation and prove up and get him some grass.

Q Who was that? A Buck Dawson.

Q Well, did anybody suggest about his going to the Cherokee Nation?

A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."

Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flippin says "Hell, I am going; brother John is getting ready to go now."

Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hookey Bell was counted the brainiest man in our country."

Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?

A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKernan: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKernan:

Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Ross County, Texas. B. W. Alberty was my guardian.

Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I don't tell you the date.

Q About what time? A It was sometime in '80 though.

Q That tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.

Q When? A I think it was in '87 or '88.

Q Haven't you been arrested for crime and charged with crime?

A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.

Q For what offenses? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.

MR. HASTINGS, of Counsel for Cherokee Nation:

Q Were you ever convicted? A No, sir.

Mr. McKernan: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. HASTINGS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q State your name, please? A Thomas B. Hastings.

Q What is your post office? A Melvin.

Q What is your age? A 48.

Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him two or three times.

Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.

Q Did you know Aaron Butler? A Yes, sir.

Q Who was he? A He was a Cherokee Interpreter for the Court.

Q Do you know James Smith? A Yes, sir.

Q Who was he? A He was the Nation's attorney before the Court.

Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.

Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.

Q Well, did he say anything about whether he could get his case submitted if he had some more? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.

Q Well, did you let him have the ten dollars? A Yes, sir.

Q Where did they go then? A They walked off up towards town.

Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?

A Yes, best of my recollection that was.

Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.

Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.

Q Is he living or dead? A I don't know.

Q Where have you been living? A I have been living down here near Tahlequah.

Q What was the man's name, Dawson's name? A Jim Dawson I think.

Q You are certain of that? A Yes, sir; I am pretty certain.

Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.

Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.

Q When did you first make a statement of this matter to anybody?

A I guess—I don't remember when.

Q How long have you been in Muskogee this time?

A I have been here since, I was summoned here last Friday.

Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.

Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.

Q Were you born a citizen? A Yes, sir.

Q You weren't admitted to citizenship by the Courts or Councils?

A No, sir.

Q You have been living in the Cherokee Nation all your life?

A Well, I was born and raised here; I haven't been here all the time; I have been out and in.



Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what?

A None but the Cherokees, the full-bloods called him Joe Aney.

Q What does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.

Q The Dawson case was talked of here for many years, they claiming kin?

A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relation are you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.

Q Who was your father? A Samuel Riley Dawson.

Q What did you say your father's name was? A Mile Dawson.

Q Do you know what his full name was? A Samuel Riley Dawson.

Q What children had your father? A Why, he had got, you mean his first children or his whole family?

Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.

Q Just one or two of them I care for; is Mrs. Lewis your sister?

A Yes, sir.

Q Your full sister? A Yes, sir.

Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.

Q How was she the parents of your father, Samuel Dawson?

A Why Sam Dawson was his father.

Q Sam Dawson was his father? A Yes, sir.

Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.

Q What was her given name? A Annie.

Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.

Q Saw him? A Yes, sir.

Q Do you know about how old he was when he died? A He was somewhere up about 90.

Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.

Q Was your father his youngest child? A Yes, sir.

Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.

Q He died in about '90 and was about 67 years old when he died?

A Yes, sir.

Q And he was the youngest child? A Yes, sir.

Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.

Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?

A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.

Q Well, what did he say about it? A I have heard him say his mother was not an Indian.

Q Did you father come here and apply once for citizenship?

A Yes, sir.

Q Was he admitted? A I think not.

Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.

Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or no; I have heard him say his mother wasn't no Indian.

Mr. McKernan: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by stenographer K. D. [unclear])

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 his stenographic notes thereof.

(Signed) J. O. Rosson.

—000000000—

(Continued from testimony taken by Steno. J. O. Rosson.)

March 10th, 1902, at Muskogee, I. T.

Appearances:

Mr. A. S. McKernon and Mr. Mellette, attorneys for the applicants.

Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

ELMA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A Elma Brashiers.
- Q What was your maiden name? A Elma Dawson.
- Q What was your father's name? A Samuel Riley Dawson.
- Q What was his father's name? A Samuel.
- Q What was your grandfather's name? So far as you know from family history? A Her maiden name was Annie Pruett.
- Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
- Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
- Q And had a sister named Mrs. Petty? A Yes, sir.
- Q And another one named Mrs. McGee? A Yes, sir.
- Q And another brother named John? A Yes, sir.
- Q What relation are you to Mrs. A. S. Lewis? A Sister.
- Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
- Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
- Q About how old were you you suppose when your grandfather died? A About 6.
- Q Was your father's birth recorded in the family Bible? A Yes, sir.
- Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
- Q What became of it? A Got burned.
- Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
- Q In 1823? A Yes, sir.
- Q And how old was he when he died, if you recollect? A He was between 64 and '7.
- Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandfurther was spoken of by the name of Annie, always? A. Yes, sir.

BY MR. HOKEMSON: Applicant's object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

- Q. State your name? A. Alex S. Lewis.
- Q. What is your post-office? A. Dawson, Indian Territory.
- Q. How old are? A. 59 years.
- Q. What was your wife's maiden name? A. Elizabeth Parales Dawson.
- Q. Who was your wife's father and mother? A. Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?
- Q. Well, if you know the maiden name of your wife's mother, state how you know it? A. Well she was called Margaret, Margaret Queen was her maiden name.
- Q. The maiden name now of your wife's father's mother? A. Why the maiden name of my wife's father's mother?
- Q. Yes, sir? A. From what her husband and my father-in-law told me it was Annie Pruett.
- Q. What was the name of your wife's father's father? A. My wife's grandfather on her father's side, Samuel Dawson.
- Q. And his wife's maiden name was Annie Pruett? A. Yes, sir.
- Q. Did you know the old gentleman, Samuel Dawson, your wife's grandfather? A. Yes, sir.
- Q. Personally? A. Yes, sir.
- Q. What opportunities had you to get acquainted with him? A. He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, at times with us quite a while; I lived near my father-in-law and we visited very often.
- Q. When did he die? A. '74.
- Q. Have you any particular method of recalling that date? A. Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.
- Q. And when was your first child born? A. He was born December, '73.
- Q. You know how old your wife's father was when he died? A. Why he was up in 60, but I don't remember his age.
- Q. Did the old original Samuel Dawson ever tell you his age? A. Yes, sir, several times.
- Q. How old was he at the time of his death? A. He was past 60.
- Q. Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A. Told me she only had one brother named Bob Pruett.
- Q. Have any of the members of the family named their children after him? A. Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his, - oldest child for this brother-in-law who was a particular favorite of his grandfather; now let it for him I understood.
- Q. Now, what is his name? A. Of course I don't know if he named it, but he gave him the name of Robert Pruett, and I understand it was on account of his grandfather thinking, on the part of Robert Pruett.
- Q. Did you ever hear the old Samuel Dawson speak of his brother-in-law? A. Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.

Q Now, I want the children of Samuel Dawson and Armie Pruett, how many of them did you know, first? A How many did I know personally?

Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.

Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.

Q And John Dawson was the oldest boy? A Yes, sir.

Q And Samuel R. Dawson was the youngest boy? A Yes, sir.

Q You know anything about the time John Dawson was born, have you any way of seeing at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.

Q What was that? A They said he was born in 1811.

Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.

Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way than he reached it.

Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.

Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.

Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.

Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. MCKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.

Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say

as to the date.

Q Before the Cherokee authorities? A Yes, sir.

Q Did he file an application before the Dawes Commission in 1890 also? A Him.

Q Yes, sir? A I don't think he did, no sir.

Q Did you? A I did.

Q On account of your wife? A Yes, sir.

Q Did you take affidavit to that application? A No, sir.

Q Who did? A I don't know, don't remember now.

Q You applied for your wife as an Indian by blood did you not?

A Yes, sir.

Q Are you still an applicant? A No, sir.

Q Is she? A No, sir.

Q She was denied was she? A Yes, sir.

Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.



- Q Have you ever been arrested for any crime? A Yes, sir.  
Q What? A Charge of murder.  
Q Anything else? A No, sir.  
Q Committed on the train? A Yes, sir.  
Q In a train robbery? A Yes, sir, in a train robbery.  
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.  
Q That all the crime you were ever charged with? A Yes, sir.  
Q Haven't you been having some trouble with the Dawson family?  
A Well personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.  
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, anyhow, don't speak, and I don't think his wife speaks to me either.  
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A B. W. Alberty.  
Q What is your post-office? A Tahlequah.  
Q What is your present official position in the Cherokee Nation?  
A Assistant Executive Secretary of the Cherokee Nation.  
Q As much have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.  
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.  
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)  
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Albert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No. 108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Beal Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."  
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19th, 1883."

No. 102 Robert Dawson, "et al."

vs.

Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 25 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on Mother's side, she was frequently at my mother's house; though she Anna Pruet lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimant's mother to my mother's house she the claimant's mother was about 12 years old, when I was a little boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and where at Louis Rosses Store I saw her occasionally until I was 15 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiwassee River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?

Ans. 1 Five, I think that's all.

Ques. 2 Did you say something about someone being married twice?

Ans. 2 The claimant was married twice.

Ques. 3 Could Anna Pruet speak Cherokee?

Ans. 3 Yes she could speak it well

Ques. 4 Did Polly Rogers speak Cherokee?

Ans. 4 She could when she was young.

Ques. 5 How far do you live from Anna Pruet?

Ans. 5 Just across the river about 3/4 of a mile.

Ques. 6 Was Calhoun in the Cherokee Nation?

Ans. 6 It was on both sides of the river part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?  
 Ans. 7 George went first then John went they were the sons of  
 old man Harnage that lived up here near the line.  
 Ques. 8 Did the claimant go to Texas?  
 Ans. 8 No the claimant didn't go to Texas.  
 Ques. 9 What connection was claimant and Polly Rogers?  
 Ans. 9 The claimant is the son of Polly Rogers Marion here  
 is the grandson of Polly Rogers.  
 Ques. 10 Where does claimant now live?  
 Ans. 10 He lives in Carroll County, Arkansas.  
 Ques. 11 Do you know what relation old Captain John Rogers  
 was to Charlotte Rogers here in Coover's Cove?  
 Ans. 11 They are kind kin but what kin I don't know there were  
 two Capt. John Rogers' in the Nation I am speaking of the time  
 when I first came to this 1830 Country about the year 1830.  
 Ques. 12 Was Anna Pruet the maiden name of Claimant's grandmother?  
 Ans. 12 Yes that was her maiden name the Indians called her  
 his  
 Since.

(signed) Arthur. A. x Baker.  
 mark

Witness' hand paralyzed is the reason he signs by a mark  
 thus "x". "

The above document is endorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case,  
 Robt." Decided by the Tehee Court in 1883. A. Riley Daw-  
 sons Step daughter a white woman married a white man, named  
 August Balaska."

BY MR. HUTCHINGS: We further introduce envelope N. 101, of  
 E. Dawson for his grand-children, versus the Cherokee Nation,  
 and its contents, to-wit: The Petition and affidavit of F. M.  
 Dawson, and the testimony of Joseph Dawson.  
 (Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the  
 applicants object, because it is wholly incompetent and  
 irrelevant.

The envelope above introduced is endorsed as follows:  
 "No. 101. E. Dawson vs the Cherokee Nation. For his grand  
 children. Petition for citizenship. Filed Sept. 14th, 1883,  
 D. W. C. Mean, Clerk of Com. Decided Sept. 13, to be Cherokees."

The contents of said envelope are as follows:

"Office of Commission on Citizenship.  
 Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,  
 No. 101. vs for his grand children,-  
 Lulu Dauthett,  
 Dallas Dauthett,

F. M. Dawson for Claimant introduced sworn and in  
 open Court testified as follows:  
 My name is F. M. Dawson. Am Cherokee by blood reside in  
 the Cherokee Nation at 20 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old -- She has been dead about 4 years as well as I can recollect, she was about 17 years old when she was married.

his  
 (signed) F. M. Dawson, "  
 mark

Office of Commission on Citizenship,  
 Tahlequah, Cherokee Nation, Sept. 14, 1903.  
 No. 181 E. Dawson  
 for his grand children  
 Lulu Dauthett  
 Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:  
 Jos. Dawson, an a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I wa always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

My Solicitor:  
 Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Zanie, Bob, Smith, Forsa, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee citizenship by this Court.

his  
 (signed) Joseph x Dawson,  
 mark

To the Commission o Citizenship,  
 Tahlequah, C. N. Sept. 12, 1903.  
 E. Dawson for grandchildren,  
 Lulu Dauthett,  
 Dallas Dauthett,

vs  
 Cherokee Nation.  
 Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Lulu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokee by admission of your Hon. Court, at its last session in January, 1888, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(signed) E. Dawson for grand children,  
By O. H. Taylor."

This last document is indexed on back as follows:  
"No. 181, Petition of Lula, Dauthett & Dallas Dauthett, for Citizenship Filed Sept 14, 1888, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 80, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. MCKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,  
Tahlequah, C. N. August 11th, 1887.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Gatoosa,	
	2 Parlee Dawson,	44	female		
307	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	32	"		
	5 J. G. Dawson,	31	male		Bell &
	6 Elias F. Dawson,	29	"	Applicant for)	Bryant.
	7 Toliver Dawson,	27	"	Cherokee Nation.	
	8 E. a Dawson,	20	female		
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	12 Cleveland Dawson,	3		John Rogers	
	-- filed August 11th, 1887."				

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chelsey Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and the wife of Cherokee blood. It is admitted that John Rogers and Chelsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 3th, 1888, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and Dall brothers of the applicant were readmitted to citizenship by the Commission on Citizenship certainly known as





I am a citizen of the Cherokee Nation and reside in Coowee-coowee Dist, and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Jou Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Jou Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Connell Rogers,  
Clk. Com. on Citizenship."

This document is indorsed on back as follows:

"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1897.

Locket No.	NAME	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,		Male		
2	William A. Dawson,				
3	Richard A. Dawson,				

909

C. H. Taylor.

vs.

Applicant for  
Cherokee Citizenship,  
Census Rolls 1835  
Ancestor,  
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 30, 1899."

"Adverse to Claimant.

See decision in this case in title of E. R. Dawson in Book (B) Page 30.

This April 30, 1899.  
D. S. Williams,  
Clk Com.

Will P. Hays,  
Chairman.  
J. L. Carter, Sec."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. MCKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on its back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T., Age 48 years, 1836, to 1852, Roll of 18-- Ancestor Maton, Filed the 5 day of Oct 1887, Docket 1017 Book C Page 144, Testimony on Journal- Page -- Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. RASBIA, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship: Gentlemen:- The undersigned, your petitioner, this day takes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1866, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Maton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokee's by blood, citizens of the Cherokee Nation, taken and made in the years 1855,--48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmet, Chic. Ind. family with their relationship attached is as follows:

No	Name	Sex	Age	Relationship.
----	------	-----	-----	---------------

In witness o which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Boudinot & Rasbia,  
Attorneys."

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind, Ter.  
Tahlequah, August 28th, 1889.

Rebecca Dawson)

Cherokee Nation.) The above case was called and submitted by

Without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and are not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas -- I. T.

(signed) WILL F. ROSS,  
Chairman,  
J. E. Gunter, Com.

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

\*Rebecca Dawson.  
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5th, 1899.

Docket No	Names	Age Sex	Post Office Attorney
1	Rebecca Dawson	48 female	Emmett, I. T.

1017

Boudinet A. R.  
Applicant for  
Cherokee Citizenship.

Census Rolls, 1835,  
to 1852.  
Ancestor,  
Noton.

V. S.  
Cherokee Nation.

Office Commission Citizenship,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, Aug. 28th, 1899.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to citizenship in the Cherokee Nation.

Attest:

E. G. ROSS,  
Clerk Commission.

Will F. Ross,  
Chairman.  
J. E. Gunter, Com.

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 192, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145, - said judgment being rendered August 28th, 1899.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is introduced on back as follows:

\*100, 2, HALL, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1850 Roll of 18- Ancestor, Noton, filed the -- day of 9 18-- Book 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1899. Submitted by Mr. Rasmus, Aug. 28, 1899.

"APPLICATION FOR CITIZENSHIP".

To the Honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day takes this his application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1906, creating your Commission. And respectfully makes the following statement of the grounds of this his application, to-wit:

That Mary Dawson is the Grand Daughter of one Moton who she undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this his application for Cherokee citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid Act.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	18	Son.

In witness of which a public seal I hereunto set by hand on this the 4 day of October 1907.

Mary Dawson,  
Bondman & Rosine,  
Attorneys."

COMMISSION CITIZENSHIP,  
Cherokee Nation, Ind. Ter.,  
Tahlequah, August 20th, 1909.

Mary Dawson, )  
vs ) Application for Cherokee  
The Cherokee Nation ) Citizenship.

The above named case having been submitted by W. F. Rosine, Attorney for plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 18 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

W. P. Ross,  
Chairman,  
J. E. Carter, Secy."

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day takes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an Act of the National Council, approved December 8th, 1906, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That W. P. Dawson is the son of one Wiley Dawson who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee citizenship by blood, and respectfully awaits the time when his Application shall be truly heard and tried



In accordance with the aforesaid law.  
Age - - years; Post-office - - -; family with their relationship attached is as follows:

Name.	Sex	Age	Relationship.
Willie A. Dawson	Male		Son.
Richard A. Dawson,	"	"	"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

(signed) James K. P. Dawson,  
C. H. Taylor, Attorney.

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Terr., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	Female	Howie, Texas.	
2	Walter Dawson,	18	Male		

Soldiers & R.  
Applicant for  
Cherokee Citizenship.

Census Rolls 1835 to 1850  
Ancestor

vs.  
Cherokee Nation.

Office Commission on Citizenship,

Cherokee Nation, Ind. Terr.,

Tahlequah, Aug 20th, 1839.

The above case having been submitted by W. F. Parsons, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Head of Howie Texas.

Attest:

E. G. Ross,  
Clerk Commission.

Will P. Ross,  
Chairman.  
J. H. Guiter, Com.

It is further ordered that the Cherokee Nation introduce the original copy of the census rolls of the Cherokee Nation, which said census rolls were taken in 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, and 1851, and that the Cherokee Nation also introduce the original copy of the census rolls of the Cherokee Nation, which said census rolls were taken in 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, and 1851, and that the Cherokee Nation also introduce the original copy of the census rolls of the Cherokee Nation, which said census rolls were taken in 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, and 1851.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1838, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REJECTED, 26 day of April, 1888. REJECTED."

The contents of said envelope are as follows:

"To the Commission on Citizenship,  
Tahlequah, I. T.,  
January 27, 1887.

	Age		
Andrew J. Dawson,	44	years	Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessy K. Dawson,	9	"	"
Glennie D. Dawson,	8	"	female.

V.S.  
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to Citizenship by the Fox Tena Court on Citizenship, which is a matter of record, we submit that as proof of the Justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,  
Post-office, (signed) A. J. Dawson &  
Nevada, Mo. five children,  
by C. H. Taylor,  
Attorney."

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,  
Office Commission Citizenship,  
Tahlequah, C. N., Feby 11, 1887.

Docket No	Name	Age	Sex	
	Family			
1	Andrew J. Dawson,	44	Male	Nevada, Mo.
2	E. E. Dawson,	16	"	
3	Olive M. Dawson,	14	female	
4	William H. Dawson,	11	male	Applicants for
5	Jessy K. Dawson,	9	"	Cherokee Citizenship,
6	Glennie D. Dawson,	8	female	C. H. Taylor, Rolls 1835,

Rejected April 26, 1888, (red ink.)

V.S.  
Cherokee Nation.

Filed Feby 11, 1887.

Ancestors,

Adverse.

See decision in this case in case of L. R. Dawson,  
Book P.20.  
rendered April 26- 1889.

D. S. Williams,  
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records  
in the case of this same Andrew J. Dawson, before the  
Commission to the Five Civilized Tribes, filed September 7th,  
1896, and the judgment of the Commission thereon, number of  
said case being 4,094. And the judgment of said case on Page  
294, Book B., Dawes Commission Record, 1896. Judgment was  
rendered November 17th, 1896, denying the application.

BY MR. MCKENNON: To all of which the applicants object, because  
the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before  
Dawes Commission, 1896, in Andrew J. Dawson, et al., are as  
follows:

Registry Receipt,  
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter.,  
Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed  
to S. H. Hayes, Tahlequah, I. T., (signed) D. A. Fryser,  
L.-P. N.

"Commission to the Five Civilized Tribes,  
Vinita, Ind. Ter., Sept. 7, 1896.  
See that you swear to your petition.

Evidence of service of copies of Chief or Governor  
may be secured as follows: If convenient get his receipt to  
file with your papers. If you cannot do this, register to him,  
and have some interested person to make affidavit in form  
about as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day  
of September, 1896, I saw a package registered at the Post  
office at Vinita, Indian Territory, addressed to Hon. S. H.  
Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that  
registry receipt no. 409, received from postmaster, hereto  
attached, is a receipt for said package, which contained true  
copies of the application of Andrew J. Dawson, and of the  
affidavits of E. Dawson and F. H. Dawson in support of same.  
(signed) S. H. Davidson.

Subscribed and sworn to before me, on this 7th day of September,  
1896.  
(seal)

(signed) W. H. Korrygay.

Notary Public, First Judicial Division,  
of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly accepted for by the Chiefs and Governors.

XXX

For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson, ~~William H. T. Dawson-Jesse K. D.~~ (Line in ink drawn through these names) for and on behalf of Bonnie E. E. Dawson, Olive Land Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,

Andrew J. Dawson,  
as follows:  
Relationship.  
Daughter,  
Daughter  
son,  
son,  
daughter.  
brother.  
Nephew.  
Niece.  
Nephew.  
Niece.

Names.	Ages.	Relationship.
Bonnie E. E. Dawson,	25	Daughter,
Olive Land Dawson,	23	Daughter
William H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son,
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	7	brother.
William A. Dawson,	13	Nephew.
Maggie E. Dawson,	9	Niece.
Richard A. Dawson,	17	Nephew.
MARY E. Dawson,	6	Niece.

IN WITNESS WHEREOF, I herewith set my hand this third day of June 1896.

(signed) Andrew J. Dawson,





his  
(signed) F. L. Dawson  
mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp  
Notary Public. (Seal)"

"Ind Ter  
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,  
Notary Public,

My commission expires June 3, 1899.

(Seal)"

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation filed Sept 7-1896 A. S. McKennon, Cor'r."

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabanis, A. B. Montgomery, Commissioners.

In the matter of the application of

Andrew J. Dawson,

Nation's No.....

Commissioner's No.....

for citizenship in the Cherokee Nation.

Your respondent, S. H. Myyes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, . . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Hayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Noudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this 5<sup>th</sup> day of Oct 1896.

(signed) D. J. Ball,

Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679. Corvis ion's No. 4694, In re application of Andrew J. Dawson, DEMURRER AND ANSWER. Filed Oct 21 H. M. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee, 9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in the case of Joanna Barber, et als., No. 1864, the United States Court number being 90, and the Nation desires to call especial attention to the testimony of W. C. Rogers and Sarah Carter as set forth in this case.

BY MR. MCKENNON: To all of which applicants object, because it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-with filed.

#### APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas H. Coleman and Alexander B. Montgomery, United States Commissioners authorized by an act of Congress of June 4, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joseph Barber, for and on behalf of himself and heirs, this day opens to you their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to

share in the distribution of lands and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of S. Dawson, S. H. Dawson, T. A. Dawson & P. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,  
(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

Names	Age	Relationship.
Joannah Barber,	60	Daughter of Elizabeth or Betty
Isaac J. " Husband	65	Petty, ne Dawson, who was a
Chris E. "	26	daughter of Polly Dawson, nee
W. R. "	24	Rogers who was a daughter of
James E. "	18	Capt Jno Rogers and Aidoy Rogers
Johnny "	6	nee Vann a Cherokee Indian by
Joel A. Barber	39	blood as is shown by proof here- with filed.

In witness whereof I have set my hand on this 6 day of August 1896.

(Signed) Joannah Barber.

Indexed as follows: "Pd P. 35 No.... Petition of Joannah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My fathers name was John Petty. My mothers name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the honorable Commission her proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(Signature Joannah Barber.)

INDIAN TERRITORY. )  
FIRST JUDICIAL DIVISION ) 85

Now on this 6 day of Aug personally appeared before me T. J. Watts a Notary Public in and for the State of Oklahoma, Joannah Barber, she being duly sworn upon his oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(seal)" (signed) W. J. Watts,  
Notary Public.

\*(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian Territory.

Affidavit of S. R. Dawson.

Delaware District,  
Cherokee Nation,  
First Judicial Division,  
U.S. Court, Indian Territory. } SS

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.; that he is fifty-one years of age- that he is well acquainted with the claimant Joannah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joannah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsay Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal) (signed) S. R. Dawson.

Subscribed & Sworn to before July 6 1896  
(signed) W. P. Hubbard,  
Notary Public."

"United States of America,  
Indian Territory, (as  
First Judicial Division.

I, William P. Rawns, a Notary Public within and for the Judicial Division aforesaid, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as presented to me at Talequah, Ind. Terr., this the Third day of July A.D. 1895.

(signed) William P. Rawns,  
Notary Public, First Judicial Division, Indian Territory.  
(seal) My Commission expires Feb'y 3, 1897."

(A COPY)

In the matter of the claim of Joannah Barber (nee Joannah Petty)

to Cherokee Indian citizen only in the Cherokee Nation,  
Ind. Ter.

A Affidavit of E. Dawson,  
Congresswoman District,  
Cherokee Nation,  
First Judicial Division, } as  
U. S. Court, Ind. Ter. }

E. Dawson, to me well known to be reliable  
and responsible after being duly sworn according to law states  
on oath that he is a Bonified citizen of the Cherokee Nation  
by blood- that he is a resident in said Nation that his post  
office address is Talala, Ind. Ter.-that he is 58 years of age-  
that he is well acquainted with the claimant Joanna Barber and  
has been as long as he has known any person- that she is a  
person of Cherokee Indian descent the her maiden name was  
Joanna Petty- that she was the daughter of one Elizabeth  
Petty, a person of Cherokee Indian descent- that Elizabeth  
Petty's maiden name was Elizabeth Dawson- that said Elizabeth  
Dawson was the daughter of one Polly Rogers a person of  
Cherokee descent, who intermarried with Samuel Dawson, a white  
man, that the said Polly Rogers was the daughter of Captain  
John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the  
result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this the 24th day of Februry 1895

(signed) A. B. Williams,

Notary Public.

(Impress of  
National Seal  
Here.)

Com. Expt. Sept. 26/96.

United States of America,  
Indian Territory, S S  
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the  
First Judicial Division, Indian Territory, do hereby certify  
that the next above and the within one page of an affidavit  
is a true and literal copy of the original presented to me at  
Tahlequah, Ind. Ter. this the 23rd day of July A.D. 1895.

(signed) W. F. Rasmus.

(Seal) Notary Public, First Judicial Division; Indian Ter-  
itory, My Commission expires Februry 3, 1897.)

\*United States of America,  
Western District of Arkansas, S S.

In the case of one Joanna Barber claimant for citizenship  
in the Cherokee Nation, Indian Territory, as a Cherokee Indian  
by blood, before Cherokee Indian authority at Tahlequah,  
Cherokee Nation, Indian Territory.

Especially came this day before me William F. Rasmus, a  
Commissioner U. S. Court within and for the District of Arkansas  
and authorized to administer oaths W. A. Dawson, to me person-  
ally well known to be reputable and entitled to credit, and  
was sworn by me after duly sworn according to law, in presence and



and says: My name is F. A. Dawson, my age is 52; I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joannah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father: James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joannah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(signed) F. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D. 1894.

(signed) W. J. Rasmus,  
United States Commissioner."

(seal)

UNITED STATES OF AMERICA. )  
Western District of Arkansas. )ss

In the case of Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner of the U. S. Dist. Court within and for the District also named duly authorized to administer oaths Francis M. Dawson, to me made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joannah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joannah Barber to me as first cousin- and I know that the said Joannah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry- this 15th day of November A.D. 1893.

(signed) W. J. Rasmus,  
United States Commissioner.

(seal)

Indorsed on back as follows: "No. 1 filed Feb 24 1897,  
Geo. A. [unclear], Clerk."

Page 20, Docket "B"

Joannah Barber.

Office Commission on Citizenship,

Tahlequah, G. H. August, 1887.

Docket. No.	Names	Age.	Sex.	Post Office.	Atty.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	74	female		
3	Irena Barber	34	female		
4	Eva Barber	28	female		
5	Atta Barber	20	female		
6	Mary Barber	13	female	applicant for	
7	Onice Barber	17	female	Cherokee	Citizenship
8	Joel Barber	31	male	Wells 1835	
9	Calaway Barber	27	male		
10	Toliver Barber	36	male	Ancaster	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		
	V.S.			John Rogers &	
	Filed Aug. 12, 1887.			Ailey Prustt	

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20. This April 26th, 1889.

E. S. Williams,  
Clark com.

Will. P. Ross, Chairman,  
J. E. Hunter, Com.

\*S. R. Dawson.

Office Commission on Citizenship,

Tahlequah, G. H. Aug. 11th, 1887.

Docket. No.	Names.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	60		Catoosa, I. T.	
2	Parlet Dawson,	44	female		
3	America J. Dawson,	35	female		
4	Katherine J. "	32	female		
5	J. C. Dawson,	31	male		
6	Elias P. Dawson,	29	male		
7	Toliver Dawson,	27	male	Applicant for	
8	Eva Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. B. Dawson,	9	male	R	
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancaster	
	Filed Aug. 11, 1887.			John Rogers	
	Reinstated April 26, 1889.				

Now this day comes the above case for final hearing. Samuel R. Dawson bases his application for re-admission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the alleged daughter of Captain John Rogers, and Ailey Prustt, said to be half brother of Joseph Wagon, a person known as rich and the wife of Cherokee blood. It is admitted that John Rogers was

Gilney Pruett died before the rolls were made and his name would appear in the rolls if he were alive, and specified in the 7th Section of the Act of December 8th, 1888, creating the Commission on Citizenship were made, but in support of the application it is stated that certain members of the Dawson family the full members of the applicant were admitted to citizenship by the Commission on Citizenship now known as the "Circuit Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the evidence on which determined the decisions of the Commission of the territory now incorporated to authorize the admission of the present applicant is not relevant in the issue now pending. The 7th Section of the Act of December 8th, 1888, before us provides that the Commission hearing on any person applying for citizenship in the Cherokee Nation upon the grounds of descent blood or descent, but such applicant must be a native, or the lineal descendant of a person whose name appears upon the general roll of the Cherokee Nation by the United States, whose name was ascertained, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudges and decrees that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation or Cherokee by blood. This opinion includes the case of Andrew J. Dawson, James H. P. Dawson, Jonathan Barber, nee Jonathan Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,  
 J. Bunch, Commissioner,  
 John B. Carter, Clerk.

This April 26th, 1889,  
 D. S. Williams, Clerk Court

United States of America, )  
 Indian Territory, )  
 Northern District, ) ss.

W. D. Rogers being duly sworn on oath testifies and says that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skitlatoki, Ind. Ter. that he was born and raised in the above said Nation and Territory; that he is 46 years of age;

Affiant further states that he is slightly acquainted with Irene J. Bunch, as a witness for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charles Rogers who was a son of Captain John Rogers and the wife Captain John Rogers was the only son of said name that ever lived in the Cherokee Nation that was admitted to citizenship; that the said Charles Rogers was admitted to citizenship by blood as shown by the rolls of the Cherokee Nation.

This affidavit of John L. Keady was prepared by him on his father, Sheriff Robert Keady, and his mother and other family (this matter is in the custody of the probate court of the county in which the estate of John L. Keady is being administered) and the probate court of Frank County, Missouri, and that the same are correct copies of the original records of said probate court and that the same are correct copies of the original records of said probate court and that the same are correct copies of the original records of said probate court.

Just here the following is inserted on separate papers:

EXECUTIVE DEPARTMENT OF  
CHEROKEE NATION, I, JOHN L. KEADY, Executive  
Secretary of the Cherokee Nation, do hereby certify that I  
have examined the foregoing with the original record in this  
Department, and that the same are correct copies of the original  
thereof.

In witness whereof I have hereunto set my hand  
affixed the Great Seal of said Cherokee Nation, at Muskogee,  
this, the 5th day of Feb, 1906.

(Seal) (Signed) John L. Keady,  
Executive Secretary.

That the above affidavit is true.

(Inds) Keady that she lived with this affiant's father for  
a number of years prior to her death.

Affiant states that he has often talked with his father,  
Charles Keady, and his mother, Cynthia Keady (nee Martin) about  
his relatives but that they never spoke of any other children in  
their family; that this affiant was about 10 years old at the  
time his aunt, Cynthia Keady, died; that they told him there were  
no other children ever born to his father; that they never saw  
any other daughter or daughter other than Cynthia Keady.

Affiant states that his father told him a number of times  
that this affiant's grandfather, John Keady, never had any  
other family other than the one above mentioned; that this  
affiant never heard his father speak of any of his  
relatives speak of his grandfather, John Keady, having any  
other children other than Cynthia Keady.

Affiant states that his father told him that he was born on  
Big Hill, about east of Van Hook, Arkansas, in the year  
of 1827.

That the above affidavit is true.

Witness my hand and seal of said Cherokee Nation, at Muskogee,  
this, the 5th day of Feb, 1906.

(Signed) John L. Keady,  
Executive Secretary.

This affidavit expires January 1st, 1907.

John L. Keady,  
Executive Secretary.



Admission of the said... Charlie Rogers; that... John Rogers... Admitted... states that... brother, and that she has read the... of W. C. Rogers,...

Subscribed and sworn to before me this 1st day of October, 1893.

Wm. H. Hall, Notary Public,

By Contract... 1893.

Witness my hand and seal this 1st day of October, 1893, at... A. S. Jackson, T. H. - (and... A. B. Montgomery, Commissioners.

In the presence of... Nation's No. 1573... Commission...

For... Nation.

Your request... S. H. Rogers, Principal Chief of the... Nation,...

1st. That... jurisdiction over the... matter of this controversy, and not legal...

2nd. That... state facts sufficient... jurisdiction... but incident upon the... application,...

Having fully answered your request... to be... denied.

S. H. Rogers, Principal Chief... Nation.

Edw. L. ... Hastings & ...

John L. ... Secretary, ... Nation, having... that the... contained in...

Subscribed and sworn to before me this 1st day of Oct. 1893.

(signed) M. J. ... Notary Public





Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Barber, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Era Murry, whose maiden name was Era Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Era Moore, whose maiden name was Erin Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Start, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlinghouse, whose maiden name was Joanna J. Start, is a daughter of Alcey J. Start, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the papers herein submitted, you will adjudge each of said claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you place the name of each claimant, together with the names of their aforementioned children, upon the Cherokee roll, and that you grant to them all the rights, privileges and franchises of citizens of the said Cherokee Nation.

(signed) Richard, Secretary  
Council for Petitioners

Indorsed on back as follows: "No 3 Filed Feb 24 1897,  
Jas. A. Winston, Clerk."

Commissioners,

Henry D. Dawson, Frank C. Armstrong, Archibald S. McKimmon,  
Thomas B. Chubbish, Alexander B. Montgomery—H. L. Jacoway,  
Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,  
Vinita, Indian Territory, Oct 2 1896,  
filed Sept. 8, answer filed,  
petition denied.

Joanna Barber,  
vs.  
Cherokee Nation.

I, H. L. Jacoway, Jr., Secretary, do hereby certify that  
the above and foregoing is a true and correct copy of the  
Record A, Page 297 of the Commission to the Five Civilized  
Tribes.

Given under my hand and official signature this 12  
day of Feb. 1897.

H. L. Jacoway, Jr.,  
Secretary.

Indorsed on back as follows: "1864 No. 1 Filed Feb 24 1897  
Jas. A. Winston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED  
TRIBES.

Joanna Barber et al.,  
vs.  
Cherokee Nation.

No. 1804.

AFFIDAVIT FOR APPEAL.

Not on the part of Joanna Barber et al. application for citizen-  
ship in this case by H. L. Jacoway, one of their attorneys,  
and pray for an appeal from the decision of the Honorable  
Commission to the Five Civilized Tribes District Court in Vinita,  
by the Act of Congress, approved June 18, 1896.

And the said Joanna Barber et al. do hereby certify that the  
charters of the said Cherokee Nation are as set forth in the  
in this case in the said record and that the said Joanna Barber  
et al. are entitled to the same.

Given and subscribed at Vinita, Indian Territory, this 12th day of  
1897.

(REAL) J. C. Lindsey,  
Notary Public.

Commissioners of the Five Civilized Tribes, 1897.

Indorsed on back as follows:

Received of H. K. Brooks, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of  
- - - vs - - - Nation, or Belong:

Witness my hand and official seal at Washington this 2nd day of Feb'y 1897  
(SEAL) (Signed) S. S. Vinson, Clerk

Increased Court No. 1884. received for original papers in the case of Joanna Barber et al vs. Cherokee Nation. Received and filed this 1st day of Feb'y 1897. Secretary

IN THE UNITED STATES COURT FOR THE DISTRICT OF COLUMBIA, NORTH BRANCH JUDICIAL DIVISION, AT WASHINGTON, D.C.

JOANNA BARBER ORIS E. BARBER, WILLIAM H. BARBER, JAMES E. BARBER, JEMIE BARBER, JOEL A. BARBER, LARRY A. BARBER, ERN L. BARR, ATTIE L. BUNT, ALOYS J. SPOTT, APPELLANTS.  
vs  
CHEROKEE NATION, APPELEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause and petition the court to grant an appeal in said cause from a decision of the Commission, known as the Dawes Commission, created in 1867, and to treat with the Five Civilized Tribes of Indiana, to-wit: the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Tribes, and to treat with and decide applications for citizenship in the said Five Civilized Tribes, which decision by said Commission was rendered by authority of, but not in accordance with, an act of Congress passed and approved June 10th, 1896, and by its decision on the 20th day of October, 1896 the appellants were denied their rights to citizenship in the Cherokee Nation and the other tribes.

The facts relied upon by the appellants in establishing their right to citizenship in the Cherokee Nation, as aforesaid, are as follows: to-wit: that the appellants are the lawful heirs of F. A. Dawson, F. A. Dawson, Jr., and F. A. Dawson, Sr., and that said appellants are the lawful heirs of F. A. Dawson, Sr., by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.

Said appellants claim to be entitled to citizenship in the Cherokee Nation, and to the lands therein, by virtue of the fact that said appellants are the lawful heirs of F. A. Dawson, Sr., by blood and descent, and entitled to rights of citizenship in the Cherokee Nation. Said appellants claim to be entitled to citizenship in the Cherokee Nation, and to the lands therein, by virtue of the fact that said appellants are the lawful heirs of F. A. Dawson, Sr., by blood and descent, and entitled to rights of citizenship in the Cherokee Nation.



FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying the same, to the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellees in support of the answers filed by the appellees and denying the appellants the right of filing a replication to a appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the law and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claim before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers as requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELFTH. That the Act of Congress approved June the 10th, 1866, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and claims of the same to said appellants.

THIRTIETH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in carrying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial de novo be granted the appellants, and that said appellants be permitted to introduce new evidence, and that an order be made requiring said Commission to cause all pleadings, papers and exhibits filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to appear



of this Court not plead and defend against the appeal of the Cherokee Nation, and the appellants will ever pray.

(signed)

W. B. Watts,  
A. H. Garland,  
P. J. Watts,

Attorneys for Appellants.

Indorsed on back: "Cherokee Citizenship Case, No. 20 No. 5 Joanna Barber et al vs Cherokee Nation filed Dec. 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

"SUBPOENS.

SO WCV  
United States of America, }  
Indian Territory, } ss.  
Northern District.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to appear on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 1897— a petition praying for reversal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Ohio E. Barber, Wm R Barber, Jas E Barber, Maggie Barber, Jodel A. Barber, Mary A. Barber, Eliza Moore, Abbie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this subpoena within ten days after the actual service of this writ.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 20th day of Dec. 1896 A.D. 1896—

(signed) J. A. Winston, Clerk.

(SEAL)

"MARSHAL'S RETURN.

I received this Subpoena the 28th day of December A.D. 1896 and served the same as follows: W. T. Hutchinson, Attorney for the Cherokee Nation and for Annoted Service of Law within at Muskogee, Ind Ter on the 12th day of January 1897

(signed) W. B. Watts

BY .....

Indorsed on back as follows: "Citizenship Case No. 20  
No. 8., Nation... Cherokee... At the Cherokee..."

Joanna Barber et al.  
vs. No. 90.  
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom this  
case was referred, submit the following report:

"IN THE UNITED STATES COURT IN THE TERRITORY OF INDIAN,  
NORTHERN DISTRICT, AT MUSKOGEE."

JOANNA BARBER ET AL. )

-VS- )  
SPECIAL MASTER.

THE CHEROKEE NATION. )

---000---

I, H. A. Gibson, Special Master herein, show to the Court  
that under the general order herein, I have examined the  
proof and pleadings herein, which is hereto attached and made  
a part hereof, and that I find as follows:

I

This this case was instituted on September 27th, 1896,  
before the Dawes Commission to the Five Civilized Tribes, by  
Joanna Barber, and Isaac J. Barber, her husband, and their  
children, Otha E., William R., James E., Johnnie and Joel A.  
Barber. That Joel A. Barber has the following children:  
Mattie Tolliver, George A., Frankie C., Jess A. & Ethel Barber.  
That the application includes also Mary A. Boyer and her  
child Inez Boyer; Emma L. Murray and her child Otha Murray,  
Eva Moore and her children Anna J., Jackson D., Ruby and  
Gladys; Attie L. Hunt and her child Bessie Hunt; Alice J. Smart  
and her children George A. and Elzey H. Smart; Joanna J.  
Carlinghouse and her children Lyle C., Cora L. and Bertha  
H. Carlinghouse. That this application was by the Commission  
tried and rejected on October 29th, 1896, with no reasons  
given for the decision, and that subsequently on December 27,  
1896, the claimants appealed to this court. That the parties  
all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to  
citizenship in the Cherokee Nation by reason of their  
descent from Polly Rogers, who is claimed to be a Cherokee  
Indian by blood. That they filed in support of their application  
the affidavits of S. R. Dawson, E. Dawson, Thomas E. Dawson,  
and F. A. Dawson, who testify that Joanna Barber is the  
daughter of Elizabeth McKay, nee Lewis, who was the wife  
of Polly Rogers, who married a white man by the name of  
Samuel Dawson, and that Polly Rogers was the daughter of  
Captain John Rogers and Alice Vann. That these witnesses  
are all of the same lineage by blood, not admitted with...

claimants, and according to their testimony, related to them by blood.

The appellee introduces to contravert this testimony the decision of the Cherokee Commission on citizenship, rendered in the year 1897, in which these claimants were rejected by this Commission and also the affidavit of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

### III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, and are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal West; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1837, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow a reasonable fee for my services here in as Special Master.

Respectfully submitted this 16 day of August, 1897.

(signed) H. A. Gibson,  
SPECIAL MASTER.

By me paid.

No Exceptions filed."

### BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the dependants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1837, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the Applicants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

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."

Indorsed on back: "No. 107 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, filed August 17, 1897, Jas A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "No Joanna Barber et vs Cherokee Nation."

"NOTICE.

UNITED STATES OF AMERICA )	In the United States Court for
INDIAN TERRITORY (SS )	said District.
NORTHERN DISTRICT. )	In the matter of the application
	of Joanna Barber et al to be
	enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1886, the court number of same being 238, said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case, to desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Lawson against the Nation, number 108, before the Citizenship Commission, and which was made January 18, 1892.

BY MR. HICKETHORN: To all of which the applicants object, because the case is immaterial, irrelevant and incompetent.

The papers in Court No. 230, just introduced above, are as follows:

\*Office of Commission on Citizenship,  
Cherokee Nation, Tahlequah, January 19, 1892.  
No. 108.  
Robert Dawson et al ) Exhibit C  
vs )  
Cherokee Nation. )

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:  
My name is Arthur A. Baker I reside at Berryville Arkansas Carroll County My age is 75 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll's County some 35 years - At my Mother's house near Calhoun I became acquainted with the claimant's Robt Dawson grandfurther on mother's side she was frequently at my Mother's house though she Anna Pruett lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimant's mother to my Mother's house she the Mother's mother was about grown when I was a little boy. She called her daughter Polly Rogers, said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my Mother's and there at Louis Russes Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and we and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (Ford "twenty" marked through) twelve miles below Calhoun on the Hiwassee River. Anna Pruett resided in the Cherokee Nation as long as I stayed there the Dawson whom I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls. The children named in his petition I recognized as being the claimants.

Question by Solicitor:

Q. 1 How many children did Polly Rogers have?  
A. 1 Five I think that's all.  
Q. 2 Did you say no other about some one being married?  
A. 2 The claimant was married twice.  
Q. 3 Could Anna Pruett speak Cherokee?  
A. 3 Yes, she could speak it well.



- Ques 4 Did Polly Rogers speak Cherokee?  
Ans. 4 She did when she was young.  
Ques 5 How far did you live from Anna Pruitt?  
Ans 5 Just across the river about 3/4 of a mile.  
Ques 6 Was Calhoun in the Cherokee Nation?  
Ans. 6 It was on both sides of the river part in the Nation  
and part out in the state.  
Ques 7 Which Harnage was it went to Texas?  
7 George went first, then John went, they were the sons  
of old man Harnage, that lived up near the line.  
Ques 8 Did the Claimant go to Texas?  
Ans. 8 No the Claimant did not go to Texas.  
9 What connection was claimant and Polly Rogers?  
9 The Claimant is the son of Polly Rogers  
Marion here is the grandson of Polly Rogers.  
10 Where does claimant now live?  
10 He lives in Carroll Co Arkansas.  
11 Do you know what relation old Capt John Rogers was to  
Charles Rogers here in Coowaseeooweef?  
11 They claimed kin but what kin I dont know there were  
two Capt John Rogers in the nation I am speaking of  
the time when I first come to this country about the  
year 1830.  
12 Was Anna Pruitt the maiden name of claimants grandmother  
12 Yes that was her maiden name the Indian called her  
Since his

(signed) Arthur x Baker  
Mark

Witness hand paralyzed is the reason why he signed by a mark  
th's x

I R T Hanks Assistant Executive Secretary do hereby  
certify that the foregoing document is a true and correct of  
the original as appears of record in the Executive Department  
of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation  
on this the 5th day of December 1894.

(signed) R. T. Hanks,

(seal)

Asst Exec Sec. "

To the Honorable the Dawes Commission on Citizenship in the  
Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, undersigned, respectfully  
states that she is a Cherokee Indian by blood, as asks to be  
enrolled as a member of the Cherokee Nation of Indians in  
the Indian Territory. That she derives her said Indian blood  
from Joannah Barber her mother, who is a Cherokee Indian by blood  
The said Joannah Barber being a daughter of Elizabeth Petty  
who was the daughter of Polly Rogers and Samuel Dawson, the  
said Polly Rogers being the daughter of Captain John Rogers  
and Anna (also Vann) Pruitt, Cherokee Indians, as shown by a  
certified copy of the affidavit of Dr. Arthur A. Baker, which  
is hereto attached as Exhibit A also affidavits marked  
exhibits B- C- D- and E.

Your petitioner states the above facts as the legal  
grounds for her application for citizenship in the Cherokee

- Ques 4 Did Polly Rogers speak Cherokee?  
Ans. 4 She did when she was young.  
Ques 5 How far did you live from Anna Priest?  
Ans. 5 Just across the river about 3/4 of a mile.  
Ques 6 Was Calhoun in the Cherokee Nation?  
Ans. 6 It was on both sides of the river part in the Nation and part out in the state.  
Ques 7 Which Harnage was it went to Texas?  
Ans. 7 George went first, then John went, they were the sons of old Man Harnage, that lived up near the line.  
Ques 8 Did the Claimant go to Texas?  
Ans. 8 No the Claimant did not go to Texas.  
9 What connection was claimant and Polly Rogers?  
Ans. 9 The Claimant is the son of Polly Rogers  
10 Where does claimant now live?  
Ans. 10 He lives in Carroll Co Arkansas.  
11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cooweesagee?  
Ans. 11 They claimed kin but what kin I dont know there were two Capt John Rogers in the nation I am speaking of the time when I first come to this country about the year 1830.  
12 Was Anna Priest the maiden name of claimants grandfather?  
Ans. 12 Yes that was her maiden name the Indian called her  
Since his

(signed) Arthur x Baker  
mark

Fitness hand paralyzed in the reason why he signed by a mark thus x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(signed) R. T. Hanks,  
Asst Exec Sec. "

(seal)

\*To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her mother, who is a Cherokee Indian by blood. The said Joannah Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (also Vann) Priest, Cherokee Indians, as shown by a certified copy of the affidavit of Mr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the legal grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons; My husband and children as follows:

W. J. House, aged 34 years; Chas. G. House, aged 9 years; Vinson T. House, aged 8 years, Mary V. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.  
(signed) Irene J. House.

Northern Judicial  
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.

(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D. 1896.

(signed) J. Barricklaw,  
Notary Public, My Commission expires  
June 8 1899.

(seal)

"Exhibit A.

Northern Judicial Division,  
Indian Territory.

Joannah Barber being duly sworn according to law, on oath states my name is Joannah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband's occupation is farmer I am a Cherokee in Coconawcoover Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (commonly called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13" 1863, moved with her husband children to the Indian Territory and settled near Talala I Territory

(signed) Joannah Barber

Subscribed and sworn to before me this 19 day of Aug. 1896

(signed) J. Barricklaw,

Notary Public, My Commission expires  
June 8 1899

(seal)

"EXHIBIT B.

Indian Territory,  
Northern Judicial District. ss.

F. H. Russel being duly sworn according to law deposes and says:

My name is P. H. Dawson; I am 54 years of age; my post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee, my grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Eastern Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers

The said Elizabeth Petty was the mother of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, to facts stated as occurring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(signed) P. H. Dawson."

"Indian Territory,  
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by P. H. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1886, and I further certify that the said P. H. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal)

(signed) John H. Koogler,  
Notary Public."

Northern Judicial District,  
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a Farmer by Occupation, and reside in Coconino District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas, near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polley Roger come West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joannah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joannah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barricklaw, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occurred before the recollection of affiant he testifies to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this 19 day of August 1898

(signed) J. Barricklaw,

Notary Public, My Commission expires June 3, 1899.  
(seal)

Notary Public.



Cherokee Nation,  
Cocwvacoowee District.

EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn; deposeseth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a niece of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Amie Dawson whose children (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.  
(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1890.  
(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:

"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House v.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1898 A. S. McKimmon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

"Received of E. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of .... vs..... Nation, as follows..... Witness my hand and of icial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."  
(Seal)"

Indorsed: "Court No. 238 No. 5464 Receipt for original papers in the case of Irene J. House vs. Cherokee Nation, Received and filed this ..... day of..... 189...."

"Irene J. House et al,  
vs. No. 238  
Cherokee Nation.

Mr. W. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSKOGEE.

IRENE J. HOUSE ET AL

VS

REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

-----000-----

I, H. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 3, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 30, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, T. A. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Peley, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission on citizenship in the year 1897, and the record of the rejection of the claimants, and further the affidavits of W. J. Rogers, a C Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1837, and that they are Cherokee Indians by blood.

I ask that the court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) N. A. Gibson,  
Special Master.

My fee paid,  
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

BY MR. HUTCHINGS:

Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

- Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 78 years, my residence, Vinita, Indian Territory.
- Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
- Q You give testimony in this case once before did you not, before the Senate Commission? A I did.
- Q Before this Commission I will say, this Commission? A The Senate Commission? A My I can't recollect who the Commission was, but was taken at Vinita, or there.
- Q Were you in any way connected with the Cherokee Citizenship Commission in 1888 known as the Senate Commission? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existence of that Commission.

Q You were the only clerk it had during its existence were you? A I think I was.

Q You were clerk of that Commission when it rendered a decision in favor of Robert Dawson et al., as found on page 114, of its record, numbered 108 (witness examinee record referred to.) now in the possession of this Commission? A I was.

Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.

Q Thomas Tenes, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, that is correct, is it? A That's correct.

Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.

Q Were you at that time acquainted with P. M. Dawson, commonly called "Bud Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely knew Mr. Dawson; all I know of him was I saw him there as a party to the suit. I know Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.

Q They were recognized Cherokee citizens were they? A They were.

Q Was Taylor not known generally as a Citizenship Attorney?

A I think he was.

Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.

Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that: who brought the case?

Q Who called up the case? A No, I don't recollect.

Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.

Q Was that in favor of or against the applicants? A It was in favor of them; I will say this; that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.

Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.

Q Did Bud Dawson pay you any money in connection with that case?

A He did not.

Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.

Q Or paid you any money, either directly or through any other person? A Purely influence in that case?

Q Yes, sir? A Never.

Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.

Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the session of the Commission; I saw but very little of him during the presence of the Commission; now and then I would see him in the Court.

Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judgment?

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.

Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money or coming through him from Bud Dawson for any services which you had rendered to him in that case?

A Yes, he paid me some.

Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.

Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issues of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tablequah; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home, - he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stakes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlived under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long, - I think I met him in Virginia, and says he, did Camp Taylor pay you any money that I sent to you? says I, No, I have not seen Camp Taylor.



Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over to you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, by recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Mr. Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He said you had no other money than that that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. MCKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thorpeon, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

Office Commission on Citizenship,  
Tahlequah, C. N., September 24th, 1881.

Case No. 108

Robt Dawson,  
Elbert Dawson,  
Jasper Dawson,  
John Dawson,  
Josephine Dawson,  
Joseph Dawson,  
Jays Dawson,  
Molly Dawson,  
William Dawson,  
James Dawson,  
Eli Dawson,

Petition for Citizenship

vs.

Cherokee Nation.

Continued by the Plaintiff, Oct. 8, 1881.

January 13th, 1883.

The above case continued by the Cherokee Nation till Sept.









Q You were asked at a certain time if you were ever...  
A Yes, I was. I was there on the 14th of the month...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

Q Then you never found out what your location...  
A I don't know that I was there...  
Q Is the only recollection that you have...  
A Yes, I was. I was there on the 14th of the month...

Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

Q You can answer that for or not...  
A Yes, I was. I was there on the 14th of the month...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

Q Was it in the forenoon or in the afternoon...  
A I don't recall whether it was in the forenoon or afternoon...  
Q In recollecting that they were all present...  
A Yes, that is, you can't see the question of admission or rejection was voted upon...

Q Did you sign up the record at the time...  
A Yes, I signed the record at the time...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

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A Yes, I was. I was there on the 14th of the month...  
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Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...

Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...  
Q And you were there on the 14th of the month...  
A Yes, I was. I was there on the 14th of the month...





January and a September entry and this decision was rendered at the  
January 1938 term. The Baker's testimony taken during the January,  
1938, term, at the time this decision was rendered. I don't recall it  
impossible for me to recollect those facts that are recorded there;  
although I can say about that, that the record shows the correct  
statement of the facts; but I don't recall those facts.

Q Well there is a record here that this case was continued on the  
12th day of January, 1938, upon agreement that it should be taken  
up on the 14th day of October, 1938. Your record shows that there was  
nothing done in the case from January 17th, 1938 until October 21st,  
1938; would you say that was correct? A I should say it was  
correct if it is correct on the book; it is designed to be a correct  
entry of the facts.

Q I will let you see the book for yourself; I don't want to dis-  
parage your own entry at all. (Shows entry in book to witness.)

A I can't recall those facts in regard to the agreement.

Q The book says in testimony of the witnesses in court? A I  
took it down.

Q You took down the testimony of Mr. Baker? A Yes.

Q He was cross examined by counsel for the plaintiff? A As far as I  
I don't recollect, he was present, he was always present; I don't  
likely he was cross examined.

Q And that testimony was taken at a court session in the year  
1938 was rendered in January, 1938? A I think it was, by a decision  
in to that effect.

Q Well the court seems to have had no session as to this case  
from January 17, 1938 up to October 21st, 1938, according to the  
record? A (No response.)

Q You don't recall taking down any other witness testimony in this  
case? A No sir; I don't.

Q All the probability is that he was the only witness examined  
isn't that? A It might have been so, by recollection is that he was  
regarded as the main witness of the case.

Q He was quite an old man, about 73 at that time? A Yes, he was  
quite old.

BY MR. HARRISON:  
Q The testimony of Dr. Arthur Baker, from this record, appears to  
have been taken January 17th, 1938; is that correct as far as you  
know, or are able to state? A Is that Dr. Baker's testimony?  
(A lawyer here some witness papers) A It appears to be, yes;

I don't think that was the testimony that the case was decided  
upon, because his testimony was taken orally before the conviction,  
and I think the court will let you see it. (Attorney has a mid  
page to witness.)

A Well, all right, I am sure that as I stated before, I can't  
recall those facts, but whatever the record says, I say that the  
record was correct, according to the facts. (Witness takes copy  
of the testimony and goes to record his copy.) I don't  
witness in fact, I am simply to say you put that down, but I  
gather from the record that in that testimony that it is in  
record of the case, and a statement in general, and for what I  
is not able to say, but to the honor of the testimony.

Q I am sure that the court was satisfied with the testimony of Dr. Baker  
and that the case was decided in his favor, isn't that right? A Yes, I  
think so, as I could not say it, as I am not sure, but I  
think the court was satisfied with the length of the testimony  
taken.

BY MR. MCKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. MCKENNON:

- Q What is your name? A B. F. Fortner.  
Q What is your age? A 54.  
Q You are a physician are you not? A I am.  
Q Where do you reside? A Vinita, Indian Territory.  
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Councils of the Indian Territory and of the American Medical Association, -those are some, and the most important positions I hold at this time.  
Q Are you a Cherokee citizen? A I am.  
Q By blood or intermarriage? A Intermarriage.  
Q Your wife is a citizen? A Yes, sir.  
Q Do you know D. W. C. Duncan? A I do.  
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.  
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.  
Q Is that good or bad? A It is good.  
Q Do you know Campbell Taylor? A I do.  
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about six or eight years.  
Q Do you know his general reputation for truth and veracity? A I do.  
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

- Q Mr. Du can belongs to the same church you belong to? A Yes, sir.  
Q And has for a number of years? A Well now I say I think he does; I have always so understood.  
Q Don't keep up with all your members? A No, but he has attended church there and by impression has been that he is a member of the church.  
Q You didn't have any business before the citizenship court of which he was clerk, did you? A No, sir, not that I know of.  
Q You was not at Tallahassee while he was clerk of a Court from 1880 to '87? A I can't believe I was.  
Q Never had any business before that court? A Had no business before there, not while he was clerk to my knowledge.

BY MR. MCKENNON:

- Q You speak of his membership in the church; he is in good standing; as a member of the church is not? A Yes, sir.  
Q I will ask you if Campbell Taylor's reputation isn't notorious? A Yes, I have so understood it.  
BY MR. HASTINGS:  
Q I will ask you if it was notoriously bad in 1887, when these people employed him to represent them before the Court? A That was before my knowledge of him.

Q But so far as you know his bad reputation dates back to 1898 for you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:

BY MR. McKENNON:

- Q What is your name? A G. W. Miller.  
Q What is your age, Mr. Miller? A 61.  
Q Where do you reside? A Vinita.  
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.  
Q Are you a citizen of the Cherokee Nation? A No, sir.  
Q What is your business? A Real estate and insurance agent.  
Q Do you know D. W. C. Duncan? A Yes, sir.  
Q How long have you known him? A I have known him twenty years.  
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Yes sir.  
Q Is that good or bad? A It is good, so far as I know.  
Q Do you know Campbell Taylor? A Yes, sir.  
Q How long have you known him? A Well I have known him 13 or 20 years, I guess.  
Q Do you know his general reputation for truth and honesty? A Well yes.  
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

T. H. CURTIS, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

- Q What is your name? A T. H. Curtis.  
Q How old are you, Mr. Curtis? A 56.  
Q Where do you reside? A Afton, Indian Territory.  
Q How long have you lived in the Indian Territory? A 20 years.  
Q What is your business? A Lumber business.  
Q Do you know D. W. C. Duncan? A I do.  
Q How long have you known him? A About 20 years.  
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.  
Q Is that good or bad? A As good as any man's.  
Q Do you know Campbell Taylor? A I do.  
Q How long have you known him? A Some 20 years, I suppose.  
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.  
Q Is that good or bad? A Yes.  
Q Is it notoriously bad? A Yes.  
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I know him in '88 and '89.  
Q Where? A Berryville; I ran a saw mill in that country at Berryville.  
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.  
Q Is that good or bad? A Good sir. Good as any man's; he is a good character.  
Q Did you know his well enough to know his habits of life? A Yes sir.  
Q Were he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.



Q For his character such as to preclude any such charges against  
him? A It was, yes sir.

BY MR. WATKINS

Q How long did you know Dr. Baker? A Two years.

Q What does he do there? A He was an old gentleman then, he lived  
right in the edge of Berryville, Dr. Baker.

Q How old do you think he was then? A I think he must have been  
75 or 76 years old; an old gentleman.

Q That was in 18 what, 68? A No sir, it was in '68 and '69,  
two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he  
had; I was well acquainted with the old gentleman.

Q He wasn't doing any business with anybody? A No sir.

Q And his character was never called in question one way or the  
other was it? A No sir, no sir.

Q Campbell Taylor was a notorious rascal, wasn't he? A Yes sir, I never knew a  
you ever known him, wasn't he? A Yes sir, I never knew a bad  
one.

Q And whenever a rascal's bad citizenship case he got called  
to work it, because he was notoriously a rascal; that's it also isn't  
it? A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would  
get him, it would sort of give a case a bad odor to have Campbell  
around it? A Yes, that would be right.

Q You never knew anything about Dr. Dawson's connection with  
citizenship matters? A No sir, never sir.

Q You never heard about his carrying some of the records of  
citizenship cases? A No sir, never sir.

Q You have heard lots of talk about this Dawson case? A Yes sir.

Q Rumor has it all around that somebody was doing something  
wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him  
accused of it, no sir.

Q That rumor got out from the first day they were admitted  
into the present? A Well I don't know not from the first day,  
I have heard it for a good while though.

Q But you never knew who they fixed it on? A No sir.

Q They have been a pretty strong family up there in that country  
haven't they, pretty large family? A Yes sir.

Q Cast a good many votes up there? A Yes sir.

Q Did you ever hear of the doctor's testifying, any in court, Dr.  
Baker? A No sir, I never did.

Q What would you think of a man who would testify that he had  
said that was single in 1862 when the young set of his seven children

was born in 1862; what would you think, would you think that was a  
strange thing to be made by a man who was truthful? A

It is a very strange thing, object to the question because  
it is a very strange thing, and it is wholly hypothetical and

is a very strange thing, and it is wholly hypothetical and

is a very strange thing, and it is wholly hypothetical and

Q And you were in 1862? A Yes sir.

Q He was with an old, deceased man? A Yes sir, yes sir.



Q 14 years from that time he was liable to be in his dotage?  
 A I don't know, he was an old man when I knew him.  
 Q He was too old to work, and retired from business then? A Well he did work a good deal, but wasn't doing any business particular that I knew of.  
 Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. M. HARRIS, being first duly sworn and being examined, testified as follows:  
 BY MR. MCKENNON:

Q What is your name? A D. M. Harris.  
 Q What is your age, Mr. Harris? A I am 44.  
 Q What is your business? A I am publishing a newspaper.  
 Q What paper? A "The Indian Chief."  
 Q Are you editor of that paper? A Yes sir.  
 Q You live at Vista, West? A Yes sir.  
 Q Are you a citizen of the Cherokee Nation? A Yes sir.  
 Q By blood or intermarriage? A Intermarriage.  
 Q Do you know D. W. C. Duncan? A I do.  
 Q How long have you known him? A 18 or 19 years.  
 Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.  
 Q Is that good or bad? A Good.  
 Q Do you know Campbell Taylor? A Yes sir.  
 Q How long have you known him? A For 15 years or longer.  
 Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.  
 Q Is it good or bad? A Well it is not good.  
 Q Is it bad? A Well I suppose it must be bad then.  
 BY MR. MCKENNON:  
 Q How long has Campbell's reputation been bad, Mr. Harris, quite a good while, hasn't it? A Why I think so, yes sir.  
 Q And it has been mostly with this citizenship business?  
 A Yes, so far as I know it did, yes sir.  
 Q Campbell got up some bad citizenship cases and through the mails and they finally got things about it, had a good deal of stir about it? A Yes sir.  
 Q And some of that stir was sort of occasioned by his helping the Deacons in West? A I don't know, I don't know whether he helped the Deacons.  
 Q Was that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not, I know he had a case in West.  
 Q That was the case where they got arrested the first day they got out, was that the case where they got arrested? A I think that is what got him into the stir.  
 Q I can't remember the name of the case, but I talked much about Campbell one way or another, and I never really found out that Campbell was running a citizenship case, and he got a bad reputation from that. A Yes, that was the citizenship case.  
 Q Now he was a case where the Deacons were the first to get out of camp, was that the case where they got out of camp? A I never saw anything about it.  
 Q You know where the Deacons got out of camp, and the Deacons were a notorious case, that was a notorious case. A Yes, that was a notorious case.  
 Q Well the name of the case, I don't know the name of the case, but I know it was a case where they got out of camp, and they got a bad reputation from that.  
 A Yes, that was a case where they got out of camp, and they got a bad reputation from that.







Q So they never call any endeavor to find out who they are?  
A No sir.

Q Where did you live in '33? A In '33 I live' out on New Creek  
about 12 miles south-east of Vinita.

Q How far from Vinita was that? A About 65 or 70 miles, I  
suppose.

Q You never were around before the affidavit could be served  
that didn't? A No sir.

Q You don't know then whether or not Oswald had met the  
crowd by not going there? A No sir, I do not, at that time.

BY MR. HASTINGS: Applicants object to all of the testimony  
of this witness as to what is heard by way of rumor, about the  
character of the person cited, because the same is hearsay  
in material, irrelevant and incompetent.

A. S. McKEITHEN, an counsel for Applicants, being first duly  
sworn, makes the following statement:

I have been a resident of Carroll County, Arkansas, early in  
1880. I was until lately acquainted with Dr. Tom Arthur Baker,  
for many years. Know him as well as I did beyond alive. He was a  
gentleman of the highest Christian character, so recognized by  
everybody who knew him. He was a sober man, and never drunk liquor.  
I have the statement here in indication of that good man's character  
that for any other person, because any reputation against his  
character is false.

BY MR. HASTINGS:

Q How long did you know him? A I resided in Carroll County until  
1877 when I moved to Johnson County, Arkansas. During the war  
I was away from home, but I know him until lately every year that I  
resided in Carroll County.

Q Did you know him since 1877? A Yes sir, I have seen him several  
times. I have written letters to him from the time he lived  
by reputation in my town until he to get to be always to inquire  
about Doctor Baker. I have his reputation I think as well after  
I left there as I did when I lived there.

Q Did you know him since 1877? A Yes sir, I have known him all my life as I  
know him.

Q How long did you know him? A I have known him all my life, in  
1886 or thereabouts.

Q Did you know him since 1877? A Yes sir, I have known him all my life as I  
know him.

Q How long did you know him? A I have known him all my life, in  
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Q Did you know him since 1877? A Yes sir, I have known him all my life as I  
know him.

Q How long did you know him? A I have known him all my life, in  
1886 or thereabouts.

Q Did you know him since 1877? A Yes sir, I have known him all my life as I  
know him.

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TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID HERBERT, being first duly sworn, and being examined,  
testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A David Herbert.
- Q Where do you reside? A Vinita.
- Q How old are you? A 60 years old.
- Q Did you ever know James Dawson? A Yes sir.
- Q How long have you known him? A I knew him probably 2 years.
- Q Did you ever have any talk with him about his citizenship case?  
A Very little.
- Q You were at one time an official before the Daves Co. in their  
citizenship case, was you not? A Yes sir.
- Q Tell me what Mr. Dawson told you with reference to his citizenship  
case, as to the cost of his getting it, if anything? A Well he  
told me it cost him eleven or twelve hundred dollars to get his  
case through.
- Q Where did that conversation take place? A At Affton.
- Q At that time? A It was in '22, or the end of '22.
- Q Who was present?  
A Mr. Dawson.
- Q Where were you when he told you that? A I was working on a house  
in Affton, building a house.
- Q Where house? A E. S. Haines.
- Q Who else was present? A Haines was present.
- Q Where is he? A At Affton.
- Q That age and he told Dawson at that time? A I don't know, he  
was very old, probably 75 years old.
- Q Was he not a very capable man? A Yes sir.
- Q Happily able to get around? A He sir.
- Q How do you think he regarded as feeble minded old man? A I don't  
know whether he was or not, as far as I know.
- Q Do you don't know what he had to do with the case, in fact, himself,  
no more? A Well I judge it was himself and family that cost that  
much to get through his citizenship case, sir. That is the way I  
look at it.
- Q You were an official yourself, were you not? A Yes sir.
- Q Where? A At that time.
- Q Before the change in the office? A Yes sir.
- Q That is correct? A Yes sir.
- Q You were an official then before the Daves Co. in their case, is that  
right? A Yes sir, but resigned ever since.
- Q Are you now an official? A Yes sir.
- Q Will you try to get me? A Yes sir.
- Q How long have you been in the Daves Co. office? A It was  
from a Haines.
- Q How long have you been a citizen? A Yes sir.
- Q How long is that? A Yes sir.
- Q How long is that? A Yes sir.
- Q How long is that? A Yes sir.



Q. Now, Lawson, what member of your family says to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?

A. My brother, John Lawson, says to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship.

Q. Tell me, please, what Robert Dawson, they all know him by that name, and what time? A. In 1831, I will not remember, or '32, I don't know, or '33, or '34.

Q. Did you know your father at that time? A. My brother says your father was in the Cherokee Nation, and your brother says to file and prosecute it. That is my understanding.

Q. Did you see him and afterwards was chief of the Cherokee Nation? A. Yes, sir.

Q. He says that you were that chief? A. My understanding is that he was chief of the court. He says that he was chief of the court.

Q. He was chief of the court at that time? A. Yes, sir, of the Cherokee Nation, that is my understanding.

Q. What was done about the case at that time, if you remember? A. I don't know, and I don't know where he was at that time, that is my understanding.

Q. Where did you then live? A. I lived at Fort Smith, Arkansas.

Q. When did you next come to the Cherokee Nation? A. I believe I came back the next January, that was in 1837.

Q. Was your brother John Dawson there? A. I don't think so, no, I don't remember.

Q. Well had he at any time of the court or session of the Cherokee Nation at any time before you filed your case here and filed the application until after it was decided? A. No, sir, I never set my eyes on him until that case was decided.

Q. You conducted the business then after that did you not? A. Yes, sir.

Q. The case was finally determined in January 1837? A. '37, yes, sir, the 11th day as I remember.

Q. Was there any decision of that case other than the one on record here? A. I never heard of it if there was.

Q. Was the judgment rendered in that case as recorded in the clerk's book of that Cherokee Nation in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know? A. Yes, sir, as far as I know, I never heard of it if there was any other.

Q. Was there any other case in the case? A. No, sir.

Q. Was there any other case in the case? A. I don't know.

Q. Was there any other case in the case? A. I don't know.

Q. Was there any other case in the case? A. I don't know.

Q. Was there any other case in the case? A. I don't know.

Q. Was there any other case in the case? A. I don't know.

Q. Was there any other case in the case? A. I don't know.

or not I don't know; he was generally always at Washington City during the Term down there.

Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would see to the trial before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Tell what did you do then? A Why when the time come I come down on the lady to Enkagee here and I goes over from here to Fort Gibson and I goes down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got him to go over and wait my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote in the case and then we was drove out of their room and they had a secret session, acting on the case.

Q Was Houston Benge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the Court is don't? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to get up the cigars to the court and I was in the house; after the decision was rendered I and I was in the court and the cigars, and everybody come to me and told me to go and get the cigars and I did so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Constitution.

Q What did you do about it then? A Why the clerk wrote me out my certificate.

Q That was that? A That was that day.

Q What all other was did you take with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangements made until he got to there and he submitted my case; then he wanted me to pay, he wanted me fifty dollars, that was his fee.

Q How was the arrangement about the attorney, the manner in which that was made to be paid? A My brother in Texas was to pay it.

Q How was it made or was he to write? A He was to write for it.

Q Did your brother in Texas ever pay his fee of fifty dollars?

A Yes.

Q Was that all that was to be said? A All he was to make; all he charge.

Q You were not able to give him the certificate as was stated the other day? A Yes sir.

Q He asked me what the said...  
Q He said that...  
Q After that judgment was rendered...  
Q By what route?

A I went by Siloam Springs and on by Spring Dale to...  
Q You then did not return to Fort Gibson with Houston, George, is  
he stated? A No sir, I did not.

Q That did you not return by way of Fort Gibson? A Well I thought  
maybe the others...  
Q That was the most direct route from your home was it not? A Yes  
sir.

Q Was that the cheapest? A All the shortest route.

Q Had you been coming back to Fort Gibson you would have been  
going directly away from home would you not? A Yes sir.

Q Your horse was nearly east, was east of Tallageah was it not?  
A Yes sir, little north of east, pretty near due east.

Q While Fort Gibson is almost due west is it not? A South west.  
Q You heard him state that you went to Fort Gibson with him,  
and at your home you stated to him that the way to reach the court  
was through...  
Q Did he state at Tallageah in the court room on the evening  
before that judgment was rendered in your favor, tell you what  
the court had rendered a judgment against you? A No sir.

Q Are you then any way to him, you mean to fix that? A I had to have  
conversation with him.

Q Did you pay to D. F. C. Duncan, who was the Clerk of the Court  
any sum of money, or agreed to pay him any sum of money, directly  
or through any other person for any services he might render you  
by way of influencing the court to decide in your favor? A No  
sir.

Q Or for any other purpose? A No sir.

Q Did you pay him any money after that through Campbell Taylor?  
A Yes sir.

Q What amount? A 20 or 25 dollars, I don't know which it was.

Q State what that money was paid for? A For a claim.

Q What do you mean by a claim? A Claim on the public domain; he  
had a claim on the public domain; and he had 20 or 25 dollar...  
Q What did Campbell Taylor have to do with your case?  
A He had nothing to do with it.

Q Did you pay him any money for his services as an  
attorney?

A Yes sir.

Q How much money did he receive for his services?  
A He received 20 or 25 dollars.

Q Did you see any other money in the room? A I saw...

Q Did you see any other money in the room? A I saw...

Q How did you get that 25 dollars out of the box? A I...

Q The amount that he paid to Driscoll? A Yes sir.

Q Was this money paid to him, this one hundred dollars, was it...

Q Did you see any other money in the room? A I saw...

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Q How did you get that 25 dollars out of the box? A I...

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Q Well, A Well I made several trips out here at different times, to Fairport before the commission, and back, three or four times as well as I come here now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you have her how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe four, and then I made one trip to Glarende to see A. H. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon then there.

Q You went through and employed Benja, went by railroad; what did that trip cost you? A I don't know what it was, whether it was 21 dollars or 22 dollars, one or two dollars, I don't remember what it was; Joe Dawson, my brother-in-law, gave me the money, it was either 21 or 22 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, nothing that that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, probably not.

Q Was there any one of them that was better off than the others, and if so, which one? A I think that Dr. Baker was better off than the others, that Dr. Baker.

Q Do you know how much such Dr. Baker paid of those expenses? A I don't think he paid, he paid the money that and the amount left, I think it was.

Q That is the 20 or 25 dollars? A Yes sir, that is about up at that time, and when we were in the court, that is when Joe Dawson was one of the court before the justice court, I don't know what it cost him.

Q Did you see him when he was in the court? A Yes, he was in the court when he was there, I don't know how long he was there, I don't know.

Q Does that include Dr. Baker's testimony? A No sir, that is not his testimony, that is not his testimony, that is not his testimony.

Q What is told you? A I only know what I told you.

Q You have four witnesses, they were members of the Cherokee Nation or not? A Yes sir, they were.

Q Now you are in that case in which he was a witness that took that testimony, is that right? A Yes, I was in that case, I was in that case, I was in that case.

Q Now you are in that case in which he was a witness that took that testimony, is that right? A Yes sir, that is right.

Q Now you are in that case in which he was a witness that took that testimony, is that right? A Yes sir, that is right.



Q Did you pay any witness any money? A No sir, I paid Dr. Brought for his time; he said his time was worth 5 dollars a day, and I paid it.

Q Did you pay any other witness any more than that? A No sir, he was the only witness I talked down there in the case.

Q Well the Robert Dawson case? A Yes sir.

Q He says that you told him that in your house there on your place, did you have any house there in June 1833? A I was not living on my farm at that time.

Q Did you have any farm? A Didn't have any.

Q Then did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1833, and I camped in my wagon.

Q What did you do? A I went to the timber and cut poles and builded them out and builded a log cabin on the place by a spring near Mr. Brought.

Q About what time did you finish that house? A It was in September.

Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Turck's Springs after my wife.

Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.

Q Are you and C. G. Brought on good terms? A No sir.

Q What has been the character of the trouble between you? A Trouble over our places first started it.

Q When did it begin? A As soon as I got back from Arkansas he commenced riding crowding me out to his own farm away from me, and we have been in a row ever since.

Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it ain't correct.

Q He and you have never been friendly as neighbors then since you first got back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.

Q Have you had any suits with each other? A Not sir.

Q How many? A I don't know that he had any particular lawsuits, but I know he had lawsuits and he has been a witness against me.

Q What was your last trouble with him, when I asked? A About last fall.

Q What was when your boys had a little row and he had your boy arrested? A Yes sir.

Q What was the age of those boys? A About young old.

Q He had a horse stolen from at Turck's? A Yes sir, had him arrested.

Q Carried to the jail, and kept there at Turck's?

Q He was discharged on account of it? A Yes sir.

Q Did he have to pay for it? A Yes sir.

Q How long has he been out? A About three, about your three years.

Q Any other things to know? A Yes.

Q Is there anything else you want to say?

Q Yes, I want to say that I don't know any more.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.

Q Did all the members of Robert Dawson family move here? A Yes sir.

Q Except himself? A Yes sir.

Q And all the members of James Dawson family? A No, not all the members, Melvin Low I don't think ever lived here.

Q She has never moved here? A No sir.

Q Well all the members of your family, your father's family included in that judgment of the committee, rendered January 11th, 1894? A All but one.

Q What was the name of that one? A Bina.

Q A daughter? A Daughter of Robert Dawson.

Q Your sister? A Yes sir.

Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.

Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.

Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my nieces.

Q What are their names? A Katie Vernon and Verna Fishback.

Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.

Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names except Vernon, it is not, Tob Robinson married the widow, a niece of mine.

Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '87 and '94 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting those three who you have just named? A Yes sir.

Q When? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was, left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Hightough member of Council, got their draft or checks for the money.

Q Have you got that copy of the act of Council admitting them? A Yes sir.

Q There is it? A (Produces papers.)

BY MR. McKEVOR: we offer in evidence an act of the Cherokee National Council making an appropriation of \$1,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the principal chief shall draw warrants for such amounts, and direct the principal chief that the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authorized roll of 1894 by the principal chief."

This act was approved December 11, 1892.  
Approved and signed by George T. Jones, Assistant Principal Chief, and by the members of the Council, J. H. Brown, Principal Chief, and by Lillian Jones, for a per capita payment.

Q Now the names of the two of your sons? A Yes sir.

(The witness then produced, in file all the papers received in this case.)

Q Will there be any other action of the Cherokee Council in relation to the case of your family? A Yes sir.

Q When? A In 1894.

Q What was that? A Allowing them their Strip money.

Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. MCKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blessingore family, as follows: Jane, Elbert, Henry, James Ross Leslie, Pearl, Aros, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of \$265.70.

Q Were these members of the Robert Dawson family? A Yes sir.

Q Which one of the members of the family? A Jane.

Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.

Q And her children? A Her children, was not admitted, she was admitted.

Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was

to Cherokee citizens by blood only or not? A Yes sir.

Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of F. Dawson.

Q What was that? A That, I think it was in '84.

Q Have you got a copy of that act? A No, the record is here.

Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. MCKENNON: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q These now are the Douthetts to which you refer, are they? Yes sir.

BY MR. MCKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

Office of Commission on Citizenship,  
Tahlequah, Cherokee Nation, September 18th, 1884.

E. Dawson, for his grand-children,  
No. 181.  
Lula Douthett,  
Dallas Douthett,  
vs  
The Cherokee Nation.

C. H. Taylor,  
Atty Gen. Claim.

Petition filed September  
14th, 1884.

Case submitted by claimants Sept. 14th, 1883.  
 Case submitted by Solicitor, Sept. 18th, 1883.  
 Continued by Petitioner Jan 22 1884 to September Court  
 1884.  
 Re-submitted September 2nd 1884, by Atty Taylor and Benvert  
 Submitted by defense Sept 9 1884.

And now on this the 13th day of September 1884 before this  
 case for final hearing and all the evidence in the case  
 having been carefully read, and considered by the Commission  
 on Citizenship it has been decided by the Commission that the  
 above named Lela Dantrell and Dallas Dantrell are Cherokees  
 by blood, and that they are entitled to all the rights and  
 privileges of Cherokee citizenship in the Cherokee Nation  
 and that they should be, and are hereby admitted to the full  
 and complete enjoyment of the same in all respects, as native  
 born Cherokees.

W. L. Spears, Dr. S.  
 John Lee,  
 John L. Adair, Andrew Young,  
 Ch. Comm. Commission on Citizenship."

Q Now were there any other actions of the Cherokee authorities  
 of like character relating to the members of your family?

A I don't remember of any others.

Q I will ask you if when the Cherokee authorities were  
 called the roll of 1890, in compliance with the request of the  
 Dues Commission for a roll to be prepared by them for the use of  
 the said Commission, the question of the citizenship of the  
 members of your family was not then raised and an investigation  
 had in regard to it? A Before the Dues Commission?

Q No, before the Cherokee Commission making the roll of 1890,  
 of which John T. Gentry was a member? A Yes sir, yes. I had forgot  
 it, but since you have named it there was some investigation of  
 them at that time; this is what I understood.

Q That roll shows that the members of your family were duly  
 enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal  
 to the Territory in 1837 and immediately following been recognized  
 as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee  
 citizens by blood since that time? A Yes sir.

Q You and all the members of your family are living in the Cherokee  
 Nation? A Yes sir.

Q You have all drawn Cherokee moneys whenever payments were made?  
 A Yes sir.

Q And have you all these members been voting at the Cherokee  
 elections or in the Cherokee elections? A Yes sir, I was one of  
 the judges of the elections that was held voting on the treaty.

Q That treaty? A The treaty bill that was sent back here for  
 the Cherokees to vote on; I was one of the judges at Afton.

Q In what year was that? A I believe it was last spring, the 13th  
 of April.

Q Have any of you held any offices in the Cherokee Nation? A Yes  
 sir.

Q What office have the members of your family held? A I was  
 Deputy Clerk, under Peter Hastings, when he was elected to  
 District, I was a candidate once for Sheriff in the Cherokee Nation.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.

Q Is that all? A (No reply).

Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.

Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.

Q Have they been tried for any offences against the law? Yes sir.

Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.

Q And had suits instituted against them in such courts? A Yes sir.

Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.

Q And were passed upon by that tribunal? A Yes sir.

Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.

Q He was a very old man? A Yes sir, he was getting tolerably old.

Q Could you tell how much older he was than you? A No I don't know.

Q Mr. James Dawson in 1884 must have been a very old man, didn't he? A Well he was old and he was feeble.

Q Well you stated that he had been so silly; was he naturally that way? A He used to live in Texas; I didn't know him until after he got to the Territory.

Q I say he had gotten so old, that was the occasion of that?

A I suppose so, the oldest one of these children was Mrs. Betty Peter, that's my understanding.

Q And the oldest boy was John Dawson? A We always called him Jack.

Q Jack Dawson he was the oldest? A Yes sir.

Q Sam was the youngest? A Sam Riley.

Q He was the youngest one of the crowd? A Yes sir.

Q Your father lived four or five years after he said you were admitted to citizenship? Yes sir, something about that, it was in 1887, I think he died in 1887, I won't be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.

Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.

Q Not a one of them was ever called upon to testify as to the blood of their father, who she was or anything about it? A I don't think they was.

Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it?

A I don't know, I couldn't answer the question.

Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.

Q And nobody kin to the Rogers or Vann was ever called to testify in the case? A Not as I know of.

Q They were very well known Cherokee families in the country?

A I suppose so, I don't know.

Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know what my brother does, he takes care of the evidence in relation to when I was not there; he first filed his claim.



Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.

Q What have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I contacted him the next time.

Q You had talked to your brother about what you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.

Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.

Q You went off, came to Arkansas and left your brother at Independence after you told him that fact? A Yes sir.

Q You didn't see your brother any more until after you were admitted? A No sir.

Q You and he however had trips back and forth to Tallahassee and home at different times, but you didn't happen to get together?

A No. I never met him any more and I don't know what he was doing until after we were admitted.

Q But you were there and brought Dr. Baker over? A Yes sir.

Q And took him testimony a year or more after before ever you were admitted? A I think so well as I remember, yes sir.

Q How was the way you came to get Campbell Taylor into the prosecution of Joel Bryan?

A I didn't get him, didn't use him.

Q The way he came into your case?

A The way he claimed to come in.

Q He did more in your case than Bryan did?

A Campbell didn't do anything.

Q What did Bryan do?

A I think he helped my brother take evidence by brother and I don't know.

Q How did you happen to be ending money by Campbell to Mr. Duncan?

A I never sent him any money.

Q Then what he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong?

A Oh no, you are right in, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for us.

Q How did you happen to give it to Campbell?

A I gave the money to Campbell to give to Joel Bryan, but he wouldn't do it, and I tried to get the money back from him, but I finally worked the 20 or 25 dollars he gave to Duncan.

Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor?

A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for 20 of the money I give him to give to Joel Bryan.

Q The family kept Campbell Taylor employed though as their attorney after this?

A Is the James Duncan case I think so.

Q Mr. Duncan, you remember, had his car his grand-children? That is by understanding.

Q And your father-in-law had his in the case of his children?

A There were some things to do with it; it was long and till he died he was very understanding of what was going on.

Q The record shows that the case was originally brought in by the state and finally admitted by the state in 1911.

A I don't know what year it was brought in.

Q In the case of the children?

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.

Q Are the ones likewise of Piley Dawson? A I don't know anything about those.

Q They are relations of yours? A Well I wouldn't say.

Q James K. P. Dawson proves to be a son of Piley Dawson? A Well if he is he is in connection then. There are so many Dawsons I don't know them all.

Q You know Andrew J. Dawson? A Yes sir.

Q The Dawsons have so many children their brothers didn't hardly know their did they? A That's it, I don't know them.

Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.

Q He refers in his application as being a cousin of E. Dawson, and your self, who were admitted to citizenship by the Texas Court? A He may be, I don't know nothing about it.

Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about their people.

Q Old man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.

Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.

Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.

Q Well I saw him a very old man? A Yes, getting old.

Q Now didn't you come to this place up there joining brought's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.

Q And you subsequently built a log house on it? A Yes sir.

Q And went back and got your wife and moved her to the log house? A Yes sir, went to Birka and got my wife.

Q You never saw your grandfather at all? A Saw Dawson, yes sir, I saw him.

Q You remember do you of being with him back of any at all? A I was in Texas in time of the war, with my uncle Piley Dawson, and he was there.

Q In '80 sometime? A '88, I reckon, or '87. Somewhere along there, it was in time of the war.

Q How old a man was he at that time? A Pretty old man.

Q You never saw your grandfather, she died before she came?

A Yes sir, I never saw her at all.

Q Who first started the citizenship matter, your brother in Texas or you? A The 11 was he, and my brother together.

Q I was the first conceived the idea? A I first conceived family about it.

Q How long was he in Texas with him and then in Arkansas? A I was in Texas and forward a time or two after the war.

Q You were in Arkansas where trying to get to somebody? A No sir, not at that time.

Q Was that in there in 1888? A Well in '87

Q How long was he in Texas with him and then in Arkansas? A I was in Texas and forward a time or two after the war.

Q You were in Arkansas where trying to get to somebody? A No sir, not at that time.

Q Was that in there in 1888? A Well in '87

Q How long was he in Texas with him and then in Arkansas? A I was in Texas and forward a time or two after the war.

Q You were in Arkansas where trying to get to somebody? A No sir, not at that time.

Q Was that in there in 1888? A Well in '87

BY MR. HASTINGS:

Q You did locate and board with Sam Shables when you first came to Tahlequah in '81? A I think I did.

Q Your brother Buck Dawson stayed there also? A Yes sir.

Q Sam Shables lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard that but I have forgot them.

Q You don't recollect any name now? A I don't remember that no sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record?

A I didn't hunt for any; House hunted for them.

Q Now if you have ever been able to find any other? A No, not even find our petition.

Q Samuel R. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning?

A Well I don't know, they claimed to be, I never let them to know that.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Wiley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1881, didn't you? A No sir, I don't know it; I didn't know this until I went to Tahlequah after some papers not long back and they told me about it.

Q You know that C. H. Taylor was a big scandal in 1881?

A Yes sir, I know that; he was been in the context, a big scandal.

Q You know that date up to this date? A Yes sir, I know that date.

Q I would like to see the papers, if you have them?

A I don't have them, but I can try to find them for you.

Q You can try to find them for me, if you can?

A Yes sir, I will try to find them for you.

Q Wasn't he employed by J. Dawson after you got your citizenship?

A Why not but the grand-children.

Q J. Dawson's petition was filed in September 1923, after yours?

A Yes sir.

Q C. H. Taylor, attorney of record, filed his petition. A He might have filed it for all I know.

Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over this agency, he never would give it back to me or give it to Bryant.

Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was not of good character.

Q Are you and Bryant, this man who testified for the Cherokee Nation, on speaking terms? A Hardly speak.

Q Does he refuse to speak to you? A Sometimes he does.

Q Do you refuse to speak to him? A Yes sir.

Q Have you been speaking to him for the last two or three months?

A I have not spoken to him until I met him there at the hotel the other day.

Q First time you spoke to him since he had the boy arrested? A Yes sir.

Q When did he have the boy arrested? A Along in September or October, September I think.

Q When did Dr. Baker die? A I don't remember.

Q You don't remember how much older your father was than you?

A No, I don't know.

Q What is your age? A I will be 60 in May.

Q Then you were born in '42? A Yes sir, '42 according to the record.

Q Was your father as much as 25 years old when you were born?

A I couldn't say.

Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.

Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.

Q Your father was born say, 25 from 42 would have made him be born in 1917; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, so, Betty, the girl, was the oldest and Jack next, and then my father as well as I remember about it.

Q There were two girls older? A No, one of the girls I never saw.

Q Then you think there are only 3 older than your father? A Yes, that's my understanding of the family.

Q Dr. Baker gives his age 73 in '82, which would make him be born in '09, now he states that when he was 15, or 16 years old, he married to 1802, will make 1824, that your grandmother Anna Pruitt was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Pruitt was the father of seven children, the youngest being born in 1927, how do you reconcile that? A I don't remember about the statement of Dr. Baker. I don't know that he made such statement as that. I don't remember about it.

Q And if you don't know how to reconcile it? A (No response)

Q Did you look to see if the names of the grant and children you? A No, I don't remember acquainted with them.

Q But I know that they were old or young? A Well, I know the name like Steve, I was acquainted with him, I don't know if he is the same, but I don't know if it is Steve, I don't know.







Q When did they come to this country? A Right away after they was admitted.

Q In what year? A I think the winter of '84, I think it was, spring or winter of '84.

Q You know Simon Graham? A Yes sir.

Q Who is his father? A Mississippi Sam Graham, formerly Missouli and Dawson.

Q Did he come from Texas to Louisiana? A Come from Texas.

Q Did you know them in Texas? A I knew the girl.

Q You never knew them until they come to this country? A I never knew him.

Q When did you see him next? A I think they come here in the fall or winter of 1884 or '85.

Q He was married then? A I think he was.

Q Brought his wife? A I think he was, I don't know.

Q Did he have any children when you first saw him? A He come to a house and I never saw his family for-I don't know, for several years.

Q You understand he had a family? A Yes sir.

BY MR. HASTINGS:

Q Did you mean to say '84 or '84? A '84.

Q Did you see him again in '84? A '84, let me study, maybe '85.

BY MR. HASTINGS:

Q Did you see him in '85, are you positive on that proposition? A I think so.

Q Will you answer that? A No sir, I want positive about it, but I think it was, I remember now it was, I couldn't say positive.

Q All the individuals Dawson had have been admitted to citizenship by courts of competent jurisdiction unless they were de-certified by courts of competent jurisdiction, enjoyed the same privileges that you have mentioned here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here as your class description? A Yes sir, that is the question.

Q I say all those who were admitted here by courts of competent jurisdiction, until they were de-certified by courts of competent jurisdiction, enjoyed the same privileges that you said? A So far as I know they did.

Q They all enjoyed money and all tried in the courts as long as we are judicial courts, were they not? A Yes sir, so far as I know.

Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.

Q Will you say how recognized when you were admitted? A Yes sir, I enjoyed the same privileges as other Cherokee citizens.

Q Will you say how recognized when you were admitted? A No, I don't know.

Q How did you know when you were admitted? A I was admitted with the other Cherokee citizens.

Q How did you know when you were admitted? A I was admitted with the other Cherokee citizens.

Q How did you know when you were admitted? A I was admitted with the other Cherokee citizens.

Q That? A Yes sir, Buck Dawson.

Q Well is that all he did for you? A I don't remember about it.

Q Why didn't you get your attorney to do that letter writing? A There was not any there.

Q Taylor nor Benge was not there then? A No sir.

Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.

Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did; right have been 2 years. I don't remember.

Q There was Duncan living then? A I couldn't say where.

Q Was he still clerk of this court? A No sir, not when that money was paid; that is, when Camp Taylor said he paid it.

Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.

Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.

Q How much did you give him? A One hundred dollars.

Q When? A Right at that time; he claimed it from me as soon as we got our papers; he came onto us and claimed it for Bryant.

Q You never sent him any then after that? A No sir.

Q Did you ever see Bryant after that? A Yes sir

Q How long after that? A I don't know, a year or two afterwards, a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.

Q After all that you got him to attend to your uncle Jim Lawson's and the other relatives cases? A The other parties did.

BY MR. MCKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. MCKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tamm and Thompson.

Q Are you positive of that fact? A Yes sir.

Q You do not know this Andrew Dawson family who applied to the Dawsons' Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?

Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?

Q You do not know that do you? A I don't know that they are any relatives.

Q You don't know that they are related in any way at all? A No sir.

Q You don't know any one, do you know the members of that family?

A No sir.

Q The name of that family? A I don't know the name.

Q You don't know whether they are related to you or not?

A If not of those persons are related to you or not, you have any knowledge of it? A Yes as I have.

Q Joana Barber, do you know anything about that? A They claim to be kin to us.

Q Where are they from? A They are from Texas.

Q Do you know they are related to you? A They claim to be kin.

BY MR. HASTINGS:

Q Tell you more for the before the Commission? A Yes, they claim to be kinfolks of mine.

BY MR. HASTINGS:

Q Irene J. House, who is that? A That is a cousin of mine; claims to be.

BY MR. HASTINGS:

Q You testified for her didn't you before the Commission? A I think I did as well as I get her.

BY MR. HASTINGS:

Q Before the Court that admitted Judge Dawson and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.

Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.

Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You don't remember their names? A Which?

Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.

Q You only proved that J. Dawson was a brother of Robert Dawson before the Court? A Yes sir.

Q And then referred back to the decision in the Court before? A No, proved that they were citizens, and he hereby folks before he ever came here.

Q Was he older than Mr. Baker? A About the same age.

Q Why didn't you get Oliver Miller's testimony in the House case?

Q He was dead.

Q You said he was of your family in the Irene House case or the Joana Barber case or any of those cases that were tried before the Dodge Commission in your affidavit ever had reference to the fact that Oliver Miller testified in J. Dawson's case in '88 did you?

A I don't remember about that.

Q You did not have reference to the fact that Mr. Baker testified there in '88 did you?

A I don't remember about that now.

Q You never had reference to any other witness having testified about that in your affidavit? A I don't remember about it now.

BY MR. HASTINGS:

Q Now just one other question: All of these cases in the original application and every other so far as you know, in the James Dawson case, the Miller case, the Commission and admitted in J. Dawson's case, the Miller case, or related are they not? A I suppose they are.

Q Now, you were a member of that? A Yes sir, I tried to get the...

...is considered until 8:30 p.m. ...

...T. J. ...

...

- Q What county? A Carroll.
- Q Near what town? A Berryville.
- Q Did Dr. Baker live at Berryville? A Yes sir.
- Q Was your brother intimately acquainted with him for any years?  
A Yes sir.
- Q Did he know him sufficiently to be acquainted with his character  
and habits of life? A Yes sir.
- Q Do you know Josephine Pierce? A Yes sir.
- Q How long ago was she? A Robert Dawson's.
- Q Was she an identical person who is called Josie Pierce,  
Dawson's wife? A Yes sir.
- Q Is there any other Josie Pierce or Josie Dawson or Josephine  
Pierce or Josephine Dawson? A I don't know but the one.
- Q She was also called Josephine or Josie Kelly? A Yes, after she  
married; her first husband was Pierce.
- Q And her second husband? A Was Kelly.
- Q There was another Josephine Dawson wasn't there, Dilaska's wife?  
A Yes they called her Joe, I suppose that's her name, I could  
not be positive; that was Riley Dawson's daughter, August Dilaska's  
wife.
- Q She is much younger than your sister, Josephine, above referred  
to? A Yes sir, oh yes.
- BY MR. HUTCHINGS:
- Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
- Q You were how old you were? A 42.
- Q 42? A I think so.
- Q How many older children were there of your father and mother  
that yourself? A Three.
- Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
- Q You are the fourth child and the fourth boy? A Yes sir, fourth  
boy.
- Q Where was your father and mother married, do you know, from  
family history? A I think it was in Arkansas, I couldn't be positive,  
I think that was.
- Q Do you know how long your grandfather lived in Arkansas? A No  
sir I don't.
- Q Don't know what year he came to Arkansas? A Only from statement.
- Q Well what did they say about it? A I think they got there  
or there in '50.
- Q You do not know whether your father was born in Arkansas? No many  
of your grandfather's children were born there? A There was none  
of them born in Arkansas according to history and according to what  
he always told me, they were born in Tennessee.
- Q He came there in '50, and all the other children were born on  
the Eads River in Tennessee, before he ever came? A That is  
what I think, yes sir. Now I am not positive about that.
- Q They were from Tennessee, but either Dr. Baker lived there or your  
father came from there; I don't know as I remember that I ever heard  
of father say where he was born at.
- Q In Tennessee or where; he said he was a good big boy when he  
came to Arkansas? A I don't know as I ever heard him say.
- Q Do you know the difference in the ages of yourself and your  
three older brothers? A No I don't.
- Q Don't know the time that comes in between you? A No I don't  
know that I think it is about two years though.
- Q That would make E. Dawson about eight years older than you,  
wouldn't it? A Yes sir.



BY MR. McKENNON:

- Q Did Josephine Pierce have a daughter who married Mr. Bogle?  
A Yes sir.  
Q What was her name? A I always known her by Dada Pierce; I don't know whether that is her right name or not.  
Q What is Bogle's name? A John Bogle.  
Q She is the child of Josephine Pierce who married John Bogle?  
A Yes sir.  
BY MR. HASTINGS:  
Q Where did she marry John Bogle? A Near Afton.  
Q When? A I couldn't state.  
Q About when? A You have got a copy of the marriage license.  
Q When did Josephine Pierce come to the Cherokee Nation? A '83.  
Q Has she lived here continuously since that time? A Up until her death; she is dead.  
Q Any of her children come with her at that time? A Yes sir.  
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

- Q Your name is J. C. Starr is it? A Yes sir.  
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)  
A Yes sir.  
Q Where? A At the residence of S. H. Benge; near Fort Gibson.  
Q When? A On the 15th day of this month.  
Q What day of the week was that? A On Saturday.  
Q Is that the day it was taken? A Yes sir.  
Q Did you go there on Saturday to take this? A Yes sir.  
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?  
A It was taken Saturday, the 15th.  
Q Was he mistaken or not? A It was not taken then.  
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?  
A I think not, because I was there, and it was taken on the 15th.  
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.  
Q Then of course his statement could not be correct? A I guess not.  
BY MR. HASTINGS:  
Q He was just mistaken about the date, wasn't he? A Yes sir.  
BY MR. McKENNON:  
Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.  
BY MR. HASTINGS:  
Q I sent you there last Saturday? A Yes sir.  
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DREWSON, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

- Q What is your name? A My name is Robert L. Drewson.  
Q What is your age? A My age is something close to 30 years old,  
I A 29 past.



Q Are you a son of E. Dawson, commonly known as Buck Dawson?  
A Yes sir.

Q I will ask you if you will examine this letter sent with the  
enclosure and state whether or not you found that among the papers  
of your father after his death? A (Hands letter to witness and  
examines it.) A Yes sir, I found this amongst the papers of my  
father. He always kept all his own papers, and he looking over  
that I saw this letter.

Q Has that been in your custody ever since you found it? A Yes  
sir, if that's the letter that was in the envelope.

Q Well that's what it is, you can tell whether it is or not.  
(Witness further examines letter.) Q That purports to be a letter  
from Samuel H. Benge, does it not, to your father? A Yes sir.  
(Here applicants' attorney hands letter and envelope referred to  
to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in  
this case: It is a letter signed by S. H. Benge, attorney at  
law, dated Fort Gibson, C. N., Jan. 13, 1885. Addressed to  
Mr. E. Dawson, Esq., together with the envelope, in which it was  
enclosed, with the card of C. K. Taylor upon it, attorney at law,  
Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T.,  
January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of  
this letter for the reason that S. H. Benge is living and  
has testified in this case, and his handwriting should be  
either proven or denied by himself.

G. W. BERGE, being first duly sworn, and being examined,  
testified as follows:

BY MR. McKENNON:

Q What is your name? A G. W. Benge.  
Q Are you a son of Samuel H. Benge? A Yes sir.  
Q Do you know his handwriting? A I believe so.  
Q Is that his handwriting? (Shows witness letter  
before referred to.) A Yes sir, it is either his or a resemblance  
of his.  
Q To the best of your knowledge and belief is that his letter?  
A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY MR. McKENNON: (Hands letter)

Fort Gibson, C. N.,  
Jan 13th, 1885.

Mr. E. Dawson, Esq.,

Dear Sir: - I write this note to inform you that  
your case came off before the Court on Citizenship of the 11th  
Inst. and was decided in your favor, so you are now a citizen  
of this Nation. E. H. Dawson was furnished with a copy  
of the decision at the court. He will write to you also.  
You will receive one hundred dollars as my fee in your case  
according to contract, send it to Fort Gibson, Cherokee  
Nation.

S. H. Benge,  
Attorney at Law.

Witness my hand and seal, as follows:

Given at Fort Gibson, C. N., this 13th day of January, 1885.

S. H. Benge,  
Attorney at Law.

Henryetta,  
Olay Co., Texas.

Post-marked: "Tahlequah, Jan 17 1891 T."

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Bangs letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applauds' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSIONER: (reads letter)  
"Chouteau Station, Cherokee Nation.  
I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had put the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him \$25 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him or that you was to pay him \$100- and that you had offered him a check on some bank in Texas.

This \$100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you. Please write to me.

Very respectfully,

Very truly,

J. M. Bryan.

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A Oh, I don't know whether I was his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to say his age; never asked his age; of course I guess by other things.

Q Never had occasion to talk about his age at all? A Oh I have heard his age at different times, but that I never had occasion to say so to it.

His name, being given only about my being and I do not know his name.

Q How old was your father when he died? A Oh I don't know.

- Q How old are you? A Mr. Graham? A I am 35 years old.
- Q How long have you been living in the Territory? A I came out here in 1887 or '88.
- Q To the Cherokee Nation? A Yes sir.
- Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.
- Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.
- Q How long did you live in the Cherokee Nation? A About 6 years.
- Q Where did you go then? A Wagoner.
- Q In the Creek Nation? A Yes sir.
- Q And been residing there ever since? A Yes sir.
- Q In business? A Yes sir.
- Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.
- Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.
- Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.
- Q Taking the census of the Cherokees? A Yes sir.
- Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.
- Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.
- Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.
- BY MR. HUTCHINGS:
- Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?
- Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.
- Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.
- Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.
- Q Your mother was Missouri Dawson was not she? A Yes sir.
- Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.
- Q And was not Missouri Dawson as named in that judgment? A Yes sir.
- Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.
- Q Ella Dawson was your aunt? A Yes sir.
- Q Was she married at that time? In 1887? A Yes sir.
- Q Melville Dawson, was she married at that time? A Yes sir.
- Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.





BY MR. HASTINGS:

Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.

Q You went to Captain Henge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.

Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.

Q And you went with Aaron Butler to see Jir Smith, attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.

Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.

BY MR. WICKENSON:

Q This was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the commission had been placed upon a doubtful state? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. WICKENSON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be sure as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well that other James Dawson did you know belonging to the families either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.

Q The other the other? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '34 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. WICKENSON:

Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Will Jackson, son of Ellen Jackson.

Q Was that W. A. Seyont? A That is William, my uncle.

Q Was he necessary? A Don't know.

Q Was he necessary? A Don't know.

Q Was he necessary? A Don't know.

Q Was he necessary? A Don't know.

Q Was he necessary? A Don't know.

Q Was he necessary? A Don't know.

Q Was he necessary? A Don't know.

Q Was he necessary? A Don't know.

Q Was he necessary? A Don't know.

Q Was he necessary? A Don't know.



BY MR. HASTINGS:

Q What about 1887? A I think so, yes sir.

BY MR. HASTINGS:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc., as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, being examined, testified as follows:

BY MR. HASTINGS:

Q Your name is James R. Dawson? A Yes sir.

Q Where do you live? A Acton, Indian Territory.

Q What is your age? A 45.

Q You are a physician, are you not? A Yes sir.

Q Was James Dawson, whose family was admitted in 1804, an uncle of yours? A Yes sir.

Q Do you know what his age was at that time? A No sir, I do not, only approximately.

Q State as nearly as you can? A At the time of the admission?

Q How old? A About 70, I don't know exactly.

Q How old was he when he died? A I would suppose he was about 75.

Q What was your age in 1847? A I was 45.

Q What year were you born, Doctor? A I was born in '55.

Q What year was your father born? A The year, that's right.

Q What was your father's age then? A In '84?

Q Yes sir? A About 40.

Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee Nation? A Not while the James Dawson case was on.

Q Were you present during your father's case? A I was there at the time.

Q How was that? A The date I remember; when the case first came up, I don't remember the exact date.

Q How long were you there? A I was there about a week.

Q Was that when it first came up? A Yes sir.

Q Nothing was said? A No sir.

BY MR. HASTINGS:

Q You never saw Dr. Baker? A Yes sir.

Q Did he and your uncle James ever talk about how they should be admitted? A My uncle Jim and Dr. Baker.

Q Did they ever talk about it?

Q Yes sir, I believe Dr. Baker.

Q Did they ever talk about his case? A Concerning.

Q Did they ever talk about his case? A Concerning, looking for business? A No.

Q Did they ever talk about his case? A I couldn't tell you, he was not.

Q Did they ever talk about his case? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tallapoosa, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now.

Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal.

He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he decided to go the facts just as he told them on the stand. I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by suggestion, but he never voluntarily gave me any information at all, either directly or indirectly. I don't think he ever told me so. I got him that way. I heard he was connected with the case, and perhaps that was the reason, like I did a good many other people, with a few exceptions, because they didn't know what I intended they did know about the case.

With reference to S. H. Bengé, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Bengé's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemaker case, and their descendants. I had heard that Mr. Bengé knew some important facts in connection with the Shoemaker case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemaker case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Bengé knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. MCKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.

Q He therefore did it simply upon your persuasion? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSIONER: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

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









Thomas Woolley, et al.,	Cherokee D	408
Henry T. Richardson, et al.,	"	D 715
Etta Ermer,	"	R 12
Melissa A. Dawson,	"	R 13
Alena M. Fishback, et al.,	"	D 343
Hiram F. Waddle, et al.,	"	D 381
William D. Douthitt,	"	D 522
Florence Morgan, et al.,	"	D 737
John E. Fishback,	"	D 845
George A. Mabry, et al.,	"	D 979

D E C I S I O N .

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 324 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob E., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 581 By William R. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.

D 584 By Andrew C. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Maggie Atkins and his minor children, Arthur, Eliza E., Edward C. and George J. P. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 585 By Frank M. Dawson, Jr., son of Francis M. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.

- D 353 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Alfred and his grand-son William C. Alfred as citizens by blood.
- D 354 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Kate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.
- D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.
- D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.
- D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.
- D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.
- D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, 1902.
- D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lermel H., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.
- D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Marise J. Dawson as citizens by blood.
- D 550 By Oris H. Dawson, at Vinita, Indian Territory, on October 4, 1902, for the enrollment of himself and his minor child, Burr H. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.
- D 492 By Robert Pierce, at Vinita, Indian Territory, on September

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24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1903, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471

D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1903, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna M., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 364 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 478 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Kollie, and his five minor children, Nora, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 14, and October 10, 1902, and on March 17, 1903, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.

- D 832 By James B. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Anoil F. Dawson, a fourth child of the applicant.
- D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.
- D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.
- D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.
- D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Edgar D. and Thomas M. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.
- D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.
- D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.
- D 608 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.



- D 809 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 16, 1902.
- D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.
- D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.
- D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.
- D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tompa V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.
- D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.
- D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John W., Bay D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.
- D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 28, 1902.
- D1125 By Joe S. Graham, at Muskogee, Indian Territory, on February



ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John P. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osis, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannie and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 852 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Ielma, Roberta and Rosa Lowe as citizens by blood.

- D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.
- D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.
- D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.
- R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.
- R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.
- D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.
- D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.
- D 343 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.
- D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 845 By John E. Fienback, at Chulasa, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 872 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Rena, and his minor children Baby and Charles Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. L. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Techee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. L. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1886 and 1884, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1888 and 1894, Josephine Dawson on the pay roll of 1888, Jane Dawson on the pay roll of 1883, Joseph Dawson on the pay rolls of 1885, 1886 and 1887, Ella Dawson on the pay rolls of 1885, 1886 and 1887, and Missouri Dawson on the pay rolls of 1885, 1886 and 1887.

Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 580, D 581, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the sole person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payroll roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

GROUP 2. Includes and comprises all of the following cases:

and in accordance with the laws of the Cherokee Nation on March 22, 1881, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Len Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stat., 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."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis H. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1881, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the four children of the above named persons is considered to be that of their parents, with whom they are living.



Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered N 350, D 352, D 358, D 366, D 402 and D 408.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bilavsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bilavsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the said children August, Alford, Robert, and Katie Dawson, are the issue of said marriage.

four oldest children are identified on the Cherokee Census roll of 1898, and the fifth parent roll of 1894. My Bilawsky is identified on the Cherokee Census roll of 1898, and Oscar Bilawsky is identified by a birth affidavit on file with this Commission.

Bessie Dawson, nee Baugher, was married to the said John W. Dawson on September 8, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1898, August Bilawsky and his wife Josephine, since 1892, and Sarah F. and Bessie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 560 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the case of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. F. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven oldest children are identified on the Cherokee Census roll of 1898. The two younger children are identified by birth affidavits on file with this Commission.

William F. Brown and John H. Brown are the children of said John Dawson. They were born at the Cherokee Nation, and are identified by birth affidavits on file with this Commission.

Census roll of 1898.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marie J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Addie York, and Rurr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1886. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (now Effie Arin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Hollie Pierce, a white woman, was married to said Robert Pierce on July 18, 1894. She has lived with her said husband since they were married, and Lyrtle and Arthur Pierce are the issue of that marriage. Hollie Pierce is identified on the Cherokee Census roll of 1896, and her said children are identified by birth affidavits on file with this Commission.

Ora Gray was married to John B. Gray on April 7, 1893, and Cecil and Walton Gray are the issue of that marriage. Ora Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1898, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1894; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Eddie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1888 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Hilborn Dawson and James Dawson, and contract cases number K B 384, B 478 and V 322.

Joseph B. Dawson is identified as the Joseph Dawson mentioned in the Cherokee Census as a resident of the Nation. He was married in the Cherokee Nation on May 10, 1895, and his children are

gether since the date of their marriage. The said Florence Jackson is the daughter of Alice Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Nellie Dawson and those claiming through her as wife of James Dawson, No. 188.

The evidence shows that Nellie Dawson, formerly Brown, is identified as the wife of James Dawson admitted to citizenship in the Cherokee



Matron as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the said children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee census roll of 1886; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James H. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee census roll of 1886.

Henry A. Blasingame was married to his wife Birdie J., on December 9, 1888, and Virginia C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 8, 1888. She has lived with him in the Cherokee Nation since that time and she is identified on the Cherokee census roll of 1886. Her children are identified by birth affidavits on file with this Commission.

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claimants through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that John Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert W. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Rena Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert W. Dawson and Richard W. Dawson are identified on the same roll of 1896. In connection of the Cherokee tribal rolls, in the possession of this Commission, were that the said Ella L. Spickerman is identified on the same roll of 1896.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William O. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Pichard W. Dawson was married to Luella Mason, a white woman, on January 24, 1896. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spiekerman was married to John J. Spiekerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

To further support the evidence that [unclear] [unclear] of [unclear] [unclear], on the [unclear] of [unclear] [unclear] [unclear] [unclear]

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered D 23, D 36, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been commonly married to her in the state of Texas in 1886, and has lived with her since that time. Zona V. and Robert C. Dawson are the issue of the aforesaid marriage. Mrs. C. Dawson with her two children are identified in the Cherokee Nation since 1888.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis K. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), 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."

The evidence further shows that Zona Patterson, William C. Dawson and Richard T. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 856, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1881, and has lived with her since that time. Frank V. and Mary M. Graham are the issue of the above marriage. John W. Graham, and his wife and children are identified on the Cherokee rolls of



Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawton, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 325, D 478, B 506, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. The said marriage license was issued to him in compliance with the laws of the Cherokee Nation.

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harman, formerly Jackson, Tashie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harman, Tashie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harman was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harman and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, but is now deceased. It appears that William Jackson was at the date of his mother's admission to citizenship, and was consequently grown old. There is a certificate that the said William Jackson was at the date of his mother's admission to citizenship, and was consequently grown old. There is a certificate that the said William Jackson was at the date of his mother's admission to citizenship, and was consequently grown old.

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 839.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe, and his said children are identified on the Cherokee Census roll of 1896, and said children take only the rights which may have been possessed by their parents.

The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 22, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene T. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Kitty Flourney nee Dumas. The said Kitty Flourney was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 2, 1898. Of the children hereto applied for, John S. Richardson is the child of the applicant by his said wife, Kitty Flourney nee Dumas, and James S. Richardson is the child of the applicant by his said wife, Kitty Flourney nee Dumas.







identified by birth affidavits on file with this Commission.

John R. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John R. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and heretofore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or qualified by the Cherokee authorities, and that the judgment of the Cherokee Nation in this respect is final and conclusive.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1861, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. J. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he satisfied Russell M. Brown that the case should be taken up by the Commission at the date of January, 1862. At that time the case was taken up and the Dawsons were admitted to Cherokee citizenship. The latter Dawson's interest in the case was terminated by the death of the latter Dawson's interest in the case.

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Josh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two judges present, Beebe and Wolfe. He further testifies that E. W. C. Smith, 3rd Clerk of the Court asked the witness to let him know how any large citizenship cases came up; that he introduced F. M. Dawson to Beebe on the morning of January 22nd, 1883, as part of a citizenship hearing; that he then heard testimony from the witness and that he then rendered a decision in favor of the Dawsons.

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor respecting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the deficiency was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. L. Denge, G. H. Taylor, Thomas J. Debeart, J. F. Clifton, James T. Lewis, D. G. Wrought and David Meredith.

S. L. Denge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the showing of one day and without any additional proceedings in the case, that judgment was rendered on the morning of the next day.

Even if this were a material fact, there is no other evidence that the Dawsons in the case were ever notified. The records of the Commission are deposited in the Commission's office in the Department of the Interior, Washington, D. C., and the Dawsons were notified in 1884 and they were notified in 1885.



Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1883, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinksbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that the Commission got into the case by perjury in connection with evidence in this case, the Commission's conduct, in submitting the case to the Court, was a violation of the law.

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Toak Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McKennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1885, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Drought also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1888, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Technic Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify, the money spent by the Dawsons might have been for legal and legitimate purposes. F. M. Dawson's conduct, however, is such that the fact that he was not a doctor is a strong presumption that he procured the

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Such evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by the United States Government. The Dawsons claim that the Dawsons were not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by the United States Government. The Dawsons claim that the Dawsons were not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by the United States Government.

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teehee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1863, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1863; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1863, there have been Commissioners on citizenship charged with authority to investigate the judgments of former Commissioners, and to have been required by law, and the Cherokee Nation, to investigate, and to protect.

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis H. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Miss E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis H. Dawson, Jr., son of Francis H. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Kate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulavsky, Dora Bulavsky, Ida Bulavsky, Annie Bulavsky, Blanche Bulavsky, May Bulavsky, Oscar Bulavsky, John W. Dawson, Fattie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola H. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles J. Dawson, Mattie J. Dawson, Franklin B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas F. Dawson, Marice J. Dawson, Orie H. Dawson, Harry E. Dawson, James W. Dawson,



Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna M. Bogle,  
John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson,  
Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson,  
Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C.  
Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ova  
Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Albert L.  
Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander  
Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson,  
Claud A. Patterson, Edgar D. Patterson, Thomas H. Patterson,  
Virgil V. Patterson, William C. Dawson, Robert L. Dawson,  
Albert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E.  
Dawson, Ella L. Spickerman, Hellen J. Spickerman, William  
Glenn Spickerman,

(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham,  
Gideon Graham, John W. Graham, Julius E. Graham, Francois W.  
Graham, Mary E. Graham, Jesse E. Graham, Gracie H. Graham,  
Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P.  
Painter, John W. Painter, Ray D. Painter, Roberta A. Painter,  
Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude  
Bradshaw, Joe E. Graham, William C. Graham, John F. Graham,  
Edna E. Graham, Robert Lee Graham, Joe Willie Graham, Mary E.  
Graham, Maries Graham, Maggie Graham, Luther Graham,

Twight Harmon, William D. Harmon, Fessie A. Jackson, Jannie  
Lenox, Lirtie E. Lenox, Martie Lenox,

(Group VII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,  
Nitty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flour-  
noy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna  
Flournoy, Finis T. Richardson, Jasper C. Richardson, Della S.  
Richardson, Etta Brauer,

(Group VIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle,  
Roy Weddle, William B. Douthitt, Laverna A. Fishback, William A.  
Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan,  
Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and  
Charley Mabry,

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, 1908 (30 Stats., 495), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah E. Dawson, August Dulavsky,  
Nannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin E. Patterson, Alice Dawson, Sarah J. Dawson,  
nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Painter,  
Charles T. Bradshaw, Bessie Graham,

(Group X) James H. Harpua, William C. Lucas,

(Group XI) Willie T. Harpua, Mary T. Harpua, William A. Harpua

(Group XII) Willie T. Harpua, Mary T. Harpua, William A. Harpua

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis M. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 400) and Cecil Dawson (D 386) and Green V. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Lizzie and Margaret Graham (D 1186) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green V. Jackson, Lizzie Graham and Margaret Graham be, and the same are hereby

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) \_\_\_\_\_  
Special Agent

5-378  
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

APR 10 1941

123P

Washington, April 5, 1941.

I, ----- E. J. Armstrong ----- Acting, Commissioner  
of Indian Affairs, do hereby certify that the paper..... hereunto 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. J. Armstrong*  
-----  
Acting Commissioner.



11



11/11/11

9-578

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

FIVE CIV. DIV.  
RECEIVED  
APR 10 1941  
1238

Washington, April 5, 1941.

I, E. J. Armstrong, Acting Commissioner  
of Indian Affairs, do hereby certify that the paper hereunto 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.

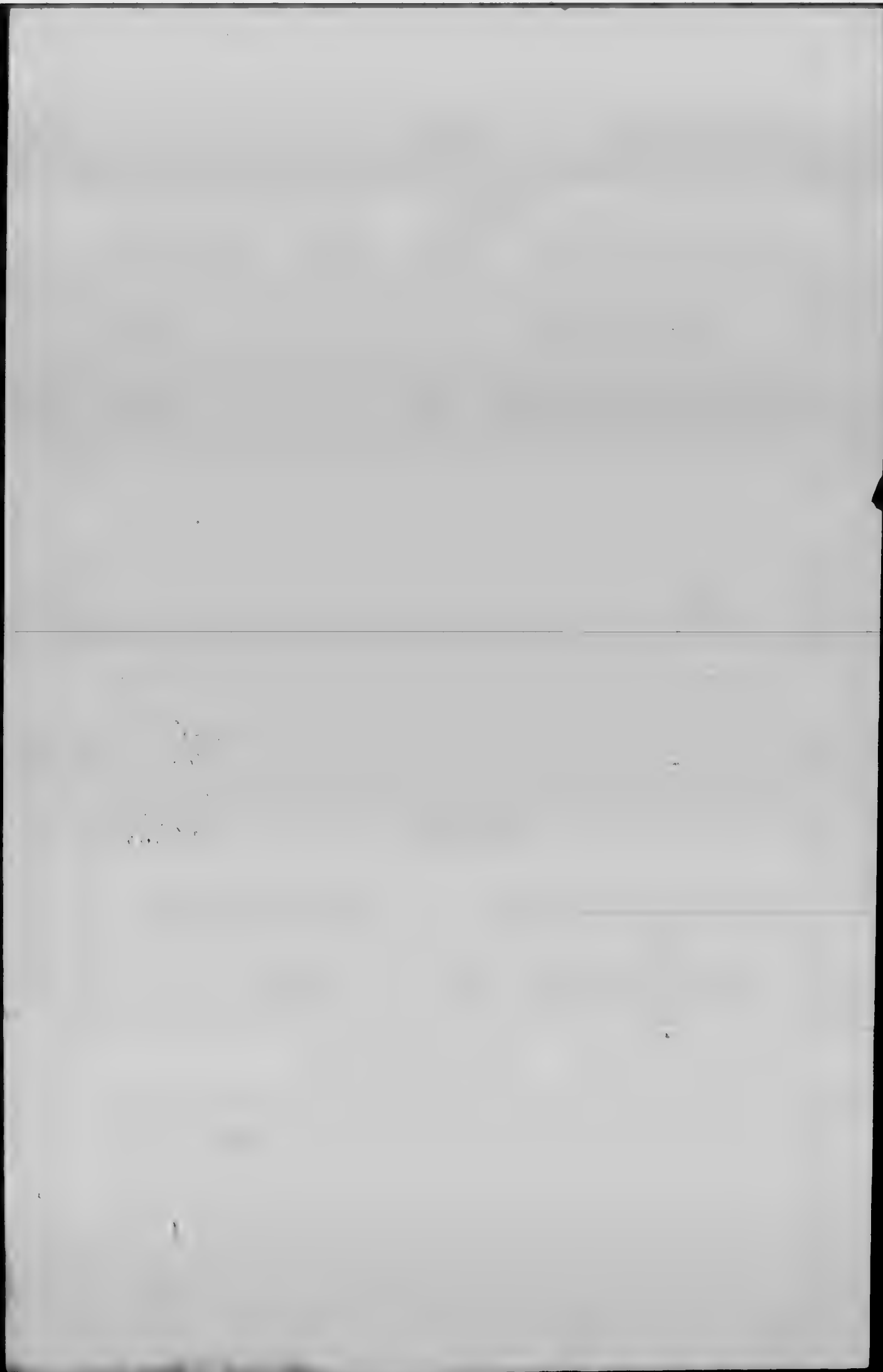
E. J. Armstrong  
Acting Commissioner



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*[Faint, illegible handwritten text]*



COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 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 December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie T. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John M. Dawson, Mattie Newman, John Dawson, Robert E. Dawson, Lola M. Dawson, Emanuel H. Dawson, Ross E. Dawson, Charles E. Dawson, Kattie J. Dawson, Jennings E. Dawson, James U. Dawson, Vergal G. Dawson, Thomas P. Dawson, Maries J. Dawson, Orie H. Dawson, Lurr R. Dawson, John T. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, William K. Pierce, Gus Gray, Cecil Gray, Volker Gray, Willie Aiky, Jerry S. Noble, James K. Noble, Mattie P. Noble, John E. Noble, Marvis S. Noble.



Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.  
Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Purus T.  
Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D.  
Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie  
Dawson, Para Moore, Walter Moore, Clara Moore, Ora Moore, James W.  
Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame,  
Albert I. Blasingame, Ellis W. Blasingame, Earl D. Blasingame,  
Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,  
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,  
Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A.  
Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patter-  
son, William C. Dawson, Robert E. Dawson, Elbert E. Dawson, Ralph E.  
Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen  
J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V.  
Graham, Robert S. Graham, Gidson Graham, John W. Graham, Julius E.  
Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie L.  
Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva  
Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy  
Painter, Florence F. Bradshaw, Myrtle Bradshaw, Claude Bradshaw,  
John B. Graham, William C. Graham, John F. Graham, Edna M. Graham,  
Robert Lee Graham, Joe Willie Peal, James M. Graham, Marion Graham,  
Eggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora  
Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D.  
Harmon, Fochie A. Jackson, Fannie Lenox, Birtie E. Lowry, Myrtle  
Lenox, Texana Woolley, Irace W. Woolley, Tilburn E. Woolley,

Fittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Minis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Mta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris Q. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogie, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram E. Weddle, and Alonso M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jennie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Selma Lowe, Roberts Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green V. Jackson, Eddie Graham and Margaret Sargent.

-4-

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,

(Signed) TAMS BLKBY,

Acting Chairman.

Enc. M-130.



Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas K. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina K. Dawson, Ella L. Spickerman, Kellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva F. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe N. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Deal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, Willie D. Harmon, Teakie A. Jackson, Fannie Loner, Dirlie E. Loner, Myrtle Loner, Yamma Woolley, Irene W. Woolley, Wilburn E. Woolley, Elvada Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, James



Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finia T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Mennie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram P. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizena Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, May Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Brown, Green V. Jackson, Lizzie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

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 both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be 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.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BERRY,

Acting Chairman.

Enc. M-45.

Register.

COPY

Cherokee D-1124.

Muskogee, Indian Territory, February 25, 1903.

Charles T. Bradshaw,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your wife, Florence P. Bradshaw, and your two minor children, Myrtle and Claude Bradshaw, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, 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 both your attorney and the principal 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,

Enc. 2-25.  
Register.

*Wm. B. Bixby*  
Register.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1905.

The Honorable

The Secretary of the Interior.

SIR:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Marice J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles K. Pierce, Oma Gray, Cecil Gray, Valton Gray, Effie Ahin, Nancy J. Eogle, James E. Eogle, Eliza J. Eogle, John H. Eogle, Harvin R. Eogle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence R. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse F. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Seal, James H. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie E. Lenox, Myrtle Lenox, Taxman Woolley, Irama V. Woolley, Wilburn E. Woolley,



Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Drauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Fatie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Pulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John B. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Farmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Fizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Brown, Green W. Jackson, Lizzie Graham and Margaret Graham.

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) TAMS BIRBY,  
Chairman.

Enc. M-136.

Through the  
Commissioner of Indian Affairs.

v

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Vinita, 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 matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

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

Respectfully,

(Signed) TAMS BLEW,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McFennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, 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,

Chairman.

Refer in reply to  
the following:  
LAND  
13888-1903.

COPY.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, October 16, 1903.

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP IX.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting Group I of this consolidated case, there is enclosed herewith the record relative to the parties applicants to Group IX. of the Francis M. Dawson, et al. case.--

D. 23, Group IX. Page 1.

John W. Graham applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Missouri Graham, and their minor children, Tompe V. and Robert E. Graham, as citizens by blood of the Cherokee Nation.

D. 24, Group IX. Page 1.

Oliver Graham applies for the enrollment of himself and his minor children, John W., Julia C., Francis V., Mary H., James H., Grace H. and Florence H. Graham, as citizens by blood, and for the



enrollment of his wife, Elisabeth Graham, as a citizen by intermarriage.

D. 836., Group IX. page 11.

Matthew A. Painter applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Laverne A., and their children, Ada R., Eva P., John W., Ray D., Robert A., and Roy V. Painter, as citizens by blood. Roy V. was born after the date of his father's original application and is identified by birth certificate.

D. 1124. Group IX. page 21.

Charles T. Bradshaw applies for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence P., and their minor children, Myrtle and Claude Bradshaw, as citizens by blood.

D. 1128. Group IX. page 25.

Joe E. Graham applies for the enrollment of himself and his ~~minor~~ minor child, William C. Graham, as citizens by blood.

D. 1134. Group IX. page 23.

John F. Graham applies for the enrollment of himself and his minor children, Eima N. and Robert Lee Graham, as citizens by blood. Robert Lee Graham was born subsequent to the date of his father's original application, and he is identified by a birth affidavit.

D. 1127, Group IX. page 24-1/2.

James Neal applies for the enrollment of his wife, Joe Willie Neal, as a citizen by blood.

D. 1128, Group IX. page 38.

James M. Graham applies for the enrollment of himself and his children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as an intermarried citizen. Floyd Graham was born after the original application and is identified by a birth affidavit.

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The Commission in its decision of December 23, 1902, held that all the applicants above named, except Liddie and Margaret Graham, who died prior to September 1, 1902, were entitled to enrollment----- John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, as citizens by intermarriage, and the others as citizens by blood.

John W. Graham, (Group IX. page 1), February 12, 1838, married Missouri Dawson, who was admitted to citizenship by the Spears Commission or Court, September 9, 1834. This Court was composed of Eli Spears, John Lee, Andrew Young, John L. Adair was clerk pro tem of the Court. The marriage of February 12, 1838, was performed in accordance with the laws of the Cherokee Nation. John W. Graham and his wife, Missouri, were first married in 1836, in accordance with the laws of the State of Texas. John W. Graham and his wife have

lived in the Cherokee Nation since 1888. His name, the name of his wife and the names of his two children appear on the 1896 Cherokee census roll.

Gideon Graham, (Group IX, page 5), is the son of John W. and Missouri Graham, and was a minor when his mother was admitted to citizenship in the Cherokee Nation. He was married to Elizabeth Graham nee Sydow in accordance with the laws of the State of Texas, October 10, 1886. Gideon Graham, his wife and all of their minor children, except Florence N., are identified by the 1896 census roll. Gideon Graham and his family appear to have lived in the Cherokee Nation since 1888. Gideon Graham is identified by the 1894 roll.

Matthew A. Painter, (Group 9, page 11), was married to Laverna A. Painter nee Graham, under the Cherokee law, August 19, 1888. It seems that these parties were first married, September 22, 1887, but not in accordance with the laws of the Cherokee Nation. Laverna A. Painter is a daughter of John W. and Missouri Graham. She was a minor when her mother was admitted to citizenship. Matthew A. Painter, his wife and minor children, except May D., Robert A. and Roy V., are identified by the 1896 roll. From the record it appears that the principal applicant and his family have lived in the Cherokee Nation since 1888.

Charles T. Bradshaw, (Group IX., page 21), was married to Florence Bradshaw nee Graham in accordance with the laws of the

Cherokee Nation, March 24, 1884. Florence Bradshaw is a daughter of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, under the name of Dawson. From the record it does not appear that the name of Charles T. Bradshaw is found on any of the rolls of the Cherokee Nation. Florence Graham is identified by the 1894 census roll. Florence Graham is identified by the 1894 census roll. Florence Bradshaw and her family appear to have resided in the Cherokee Nation since 1888.

John F. Graham, (Group IX. page 33), is the son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, and the principal applicant was a minor when his mother was admitted. He was married to Mattie Lawson, February 11, 1900. Mattie Lawson is a non-citizen. His name appears on the 1894 pay-roll, but does not appear on the 1896 roll.

James Neal, (Group IX. page 34-1/2), is a recognized citizen of the Cherokee Nation by blood and is enrolled as such. He was married to Joe Willie Neal nee Graham, a daughter of Missouri Graham, who was admitted to citizenship September 9, 1884, under the name of Dawson. The name of Joe Willie Neal is found on the 1894 pay-roll, as is also the name of her husband. She was a minor when her mother was admitted to citizenship, and she has lived in the Cherokee Nation since 1888.

James H. Graham, (Group IX. page 34), is a son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship in the

Cherokee Nation, September 9, 1884. November 2, 1902, James M. Graham was married to Bessie Willis, in accordance with the laws of the Cherokee Nation. The name of James M. Graham is found on the 1894 pay-roll. Marion Graham is also identified by that roll. The other minor children are properly identified by birth affidavits.

In connection with this Group, attention is respectfully invited to office report of even date transmitting Group 1, and for the reasons therein stated the approval of the Commission's decision is recommended, except as to John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, who apply for enrollment as intermarried citizens.

As hereinbefore stated, the record shows that Lizzie and Margaret ~~Graham~~ died before September 1, 1902.

Attention is also invited to Department letter of June 10, 1902, (I.T.D. 3386), in the Martha Hill case.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

S.A.W.-L.G.



(COPY)

I.T.D. 7442-1903.

JHW WCF SVF.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY GENERAL.

WASHINGTON, February 18, 1904.

The Secretary of the Interior.

Sir:

I am in receipt, by reference of December 29, 1903, of the report, October 16, 1903, of the Commissioner of Indian Affairs, transmitting the proceedings of the Commission to the Five Civilized Tribes upon the application of Francis W. Dawson and others ( 230 persons) for enrollment as citizens by blood of the Cherokee Nation, with request for my opinion----

as to the powers and duties of the Commission and the department in cases of this class, that is, where persons have been admitted to Cherokee citizenship by tribal acts and decrees, where fraud is alleged.

If, in your opinion, the Department has the authority to investigate cases of this kind, it desires to be advised:

1. What character of evidence is sufficient to warrant such investigations?
2. If proper evidence of fraud exists, should applicants be rejected or allowed to rehear to show, if possible, other and lawful grounds for enrollment?
3. In this, the Dawson case, what action should now be taken by reason of the alleged fraud?

Part of the applicants claim under judgments of the Cherokee Citizenship Court of June 11, and September 14, 1894, admitting them or their ancestors to citizenship, and others claim as stated by the letter of reference, under act of the National Council, approved December 1, 1894, granting such citizenship. General for the Nation opposes enrollment of these applicants.

the judgments, on the ground that they were procured, as it is claimed, by bribery of the clerk of the court and by perjured testimony.

The ground of objection to enrollment of those claiming under the act of the Council does not appear to be discussed in the briefs submitted in the cases based upon judgments of the citizenship court, which are transmitted with the papers.

The Commission admitted the applicants to enrollment, and states the ground of its decision, that:

It is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 98 U.S. page 61, it is stated, "The doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment and which was not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment."

The duties of the Commission as to persons (not freedmen) claiming enrollment are defined by the first paragraph of section 21 of the act of June 28, 1898 (30 Stat., 495) 502), which directed the Commission to enroll all Cherokees (except freedmen) found on the roll of 1880 and descendants afterward born to them, and

all persons who have been enrolled by the tribal authorities and 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, were minors when their parents were admitted to citizenship, and investigate the right of all such persons to enrollment on any other roll and admit all such persons to enrollment on the roll of 1880 or without authority of the Commission.

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.

As the principal applicants here claim by enrollment after 1880, their cases must be determined under the provision above quoted. The principal applicants were admitted and enrolled by tribal authority, made permanent settlement in the nation, and have ever since resided there. The question is, whether the Commission may investigate as to the fact of the Cherokee blood of the principals admitted by judgments of the Citizenship Court, and upon a charge that the judgments were fraudulently procured.

It appears that a citizenship court or Commission was established in the Cherokee Nation which, January 11, 1883, on an application duly filed in the court, and after taking and considering evidence, adjudged that Robert Dawson, F. M. Dawson and others named--

are Cherokees 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 they are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Other applicants related to those thus admitted were admitted, September 14, 1883, by a similar decree and similar Commission, constituted of different persons. These decrees were duly recorded in the records of these tribunals, and no appellate or original proceeding was ever taken to reverse, modify, or vacate them. The parties so admitted were then living in the nation or soon after removed there, and have ever since resided therein, identifying themselves with the Indian community and co-operating

to its development and progress. They have built homes, improved lands, accumulated property, have always been recognized as Cherokees, been chosen to office, participated in the conduct of national affairs, been borne on its various rolls, participated in distribution of public moneys, and for twenty years have been in fact recognized as Cherokee citizens. When they apply for enrollment by the Commission to the Five Civilized Tribes they are met by the objection that they have in fact no Cherokee blood; that the testimony upon which the original decree was rendered ( the witness being now dead) was perjured; that the first petitioner ( now dead) corrupted the court (two of whom are now dead), and the present applicants, none or few of whom are charged with wrong-doing, must give up their lands and homes to those who have not improved, cultivated or built them, lost the nationality to which many of them have been born, and all are loyal, and seek elsewhere a new nationality, establish new homes, and work out a new heritage.

Assuming for the moment that the charge were fully proven, the result contended for does not, in my opinion, follow: It is said by Freeman on Judgments, section 436, 4th edition, that "the defendant in an action upon a judgment is never permitted to show that it was procured by perjury," citing *Dunerritt v Lyford* (27 N.H. 541), and *Cottle v Cole* (20 Ia., 441). The same author says, section 503, that "equity will not relieve (against a judgment) on the ground of the absence of a witness who with diligence could have been procured, nor on the ground that a witness was guilty of perjury, nor because the suitor was absent from court, for it is his business to be there," citing *Scott v Carr*, 9

(Md), 309, and Dilly v Barnard, 8 Gill & J., 171. Again, section 289, the author says:

The settled policy of the law forbidding that a matter once adjudicated shall be again drawn in issue while the former adjudication remains in force does not permit the prosecution of an action for obtaining a judgment by false and fraudulent practices, or by false and forged evidence. Neither can a party against whom judgment has been recovered sustain an action against his adversary and the witnesses for damages occasioned by their conspiring together and procuring a judgment by fraud or perjury as long as the judgment remains in force and unreversed; (citing)

Hillsborough v Nichols, 46 N.H. 379; Engstrom v Sherburne, 137 Mass. 153; Note 265, by C.H. & E., to Phillips on Evidence; Dunlap v Glidden; 31 Me. 436; 52 Am. Dec. 625, . . . Cunningham v Brown, 23 Vt. 123; 46 Am. Dec. 140; Smith v Lewis, 3 Johns. 157; 3 Am. Dec. 469.

The general rule is that judgments of every tribunal having jurisdiction, while remaining in force and not reversed or vacated, are conclusive upon the matters adjudged and not open to question in a collateral proceeding. This rule was fully sustained by the court in United States v Throckmorton (98 U.S., 61, et seq.) wherein the United States sought to cancel the patent to lands issued upon a decree for confirmation of a Mexican land grant, obtained as it was charged by a fraudulently antedated grant.

Nothing in the act in question indicates that a rule of law so wholesome, so essential to the stability of judgments, and to the peace of society, was intended by Congress to be abrogated. I am therefore of the opinion that judgments of the Indian tribal courts upon the question of Cherokee blood, left for years in force, unquestioned, and which never have been vacated, should be held conclusive upon the nation, and that the Commission correctly so held.



It is proper, however, here to remark, in justice to the dead applicant and the judges, that the evidence in the record, in my opinion, falls far short of showing improper conduct or motive on their part, or even to show error in their judgment. The strain of Cherokee blood claimed by the Dawson family originated in a marriage contracted prior to about 1823, so remote in time that it could only be established by persons already old in 1882. It could not be neither proved nor disproved by direct testimony of any one living, and is capable of proof only by family tradition, dimmed by the lapse of almost a century. It is obvious that judgments ought not to be struck aside and rights supposed to be vested to be struck down on that kind of evidence and in a collateral proceeding. I am therefore of the opinion that no action for a correction of the alleged fraud ought to be taken as to those cases standing upon the adjudications.

As to the cases standing upon the acts of admission of the Cherokee Council, the same result follows, but for other reasons. This was a legislative grant. The Cherokee Council had plenary power to grant rights of citizenship. Being a legislative body, it was not bound by technical rules of evidence obligatory upon judicial tribunals. It might act on any evidence satisfactory to itself of the fact of Cherokee descent, or it

might grant citizenship to one not of Cherokee descent. Having made the grant, neither its motive nor the sufficiency of the evidence moving it, is open to question. That it did act and make the grant is alone and of itself sufficient.

Very respectfully,

(Signed) Frank L. Campbell,  
Assistant Attorney General.

Approved: February 18, 1904.

(Signed) E. A. Hitchcock,  
Secretary.

D C 10819-1904.

COPY.

J.W.H.

I.T.D. 7442-1903  
7466- "

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.

FHE

L.H.S.

March 21, 1904.

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

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee nation, with your decision of December 23, 1902, in which you disposed of these applications by groups, including in Group IX, which will be considered herein, the applications of those persons who claim enrollment through Missouri Graham, formerly Dawson, who was admitted to Cherokee citizenship September 9, 1884, by decree of the Cherokee Commission on Citizenship, of which Eli Spears was President.

Said decree recites that Missouri Dawson (now Graham) and others, "are Cherokees by blood and that by virtue thereof they are justly entitled to all the rights and privileges of Cherokee citizenship in the Cherokee nation, and that they should be and are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees."

Title D/ 23 refers to the application of John W. Graham for the enrollment of himself as a citizen by intermarriage,

and for the enrollment of his wife, the said Missouri Graham, nee Dawson, and his minor children, Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation. Missouri Graham, nee Dawson, has resided in the Cherokee Nation since 1888. She and her children, whose names appear above, are identified on the Cherokee census roll of 1896. Her name also appears upon the 1894 roll. On February 12, 1888, she was married to the said John W. Graham. A former marriage was entered into by them under the laws of Texas, in 1866.

Title D. 35 refers to the application of Gideon Graham for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, as citizens by blood, and for the enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage, of said nation. Gideon Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1896 census roll and has resided in the Cherokee Nation since 1888. On October 10, 1886, he married Elizabeth Graham, nee Sydow, and the children named above are the issue of that marriage. Elizabeth Graham, and the six elder children are identified on the census roll of 1896. The youngest child is identified by a birth affidavit.

Title D/ 836 refers to the application of Matthew A. Painter for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. Painter, and his minor children, Ada E., Eva F., John W., Ray D., Roberta A. and Ray V. Painter, as

citizens by blood of said nation. Laverna A. Painter is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified on the 1896 census roll and has resided in the nation since her marriage to said Matthew A. Painter, in 1888. He and their three elder children are also identified on the census roll of 1896. The three younger children are identified by birth affidavits.

Title D. 1124 refers to the application of Charles T. Bradshaw for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence P. Bradshaw, and his minor children, Myrtle and Claude Bradshaw, as citizens by blood of said nation. Said Bradshaw was married March 22, 1894, to Florence P. Graham, in accordance with the laws of the Cherokee Nation. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. Florence P. Bradshaw, nee Graham, is identified on the 1894 strip payment roll, and has resided in the Cherokee Nation since 1888. Their children named above are identified by birth affidavits.

Title D. 1125 refers to the application of Joe E. Graham for the enrollment of himself and his minor child, William G. Graham, as citizens by blood of the Cherokee Nation. Said Joe E. Graham is a son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 strip payment roll, and has resided in the nation since 1884. He married Mary Bradshaw on January 6, 1888. William G. Graham is the issue of that marriage. He is identified by a birth affidavit.



Title D. 1126 refers to the application of John F. Graham for the enrollment of himself and his two minor children, Edna M. and Robert Lee Graham, as Cherokees by blood. Said John F. Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 roll and has resided in the Cherokee Nation since 1888. His children, who are the issue of his marriage to Mattie Lawson, a non-citizen, on February 11, 1900, are identified by birth affidavits.

Title D. 1127 refers to the application of James Neal for the enrollment of his wife, Joe Willie Neal, nee Graham, as a citizen by blood. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified upon the 1894 pay roll and has resided in the nation since 1888.

Title D. 1128 refers to the application of James M. Graham for the enrollment of himself and his minor children, Marion, Maggie, Luther, Lizzie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as a citizen by inter-marriage. The said James M. Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 pay roll and has resided in the nation since 1884. On November 2, 1892, he was married to Bessie Willis. The six children named above are the issue of that marriage. The eldest child, Marion, is identified on the pay roll of 1894. The other children are identified by birth affidavits.

The residence of all minor children referred to herein is considered to be that of their parents.

In your decision of December 23, 1902, you held that all of the applicants mentioned above are entitled to enrollment.

Reporting relative to this group October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, in so far as it related to those applicants who claimed by blood, and as to those claiming by intermarriage he recommended that no action be taken at this time.

The Department concurs in the recommendation of the Commissioner, and you are directed to enroll the applicants named above who claim by blood.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, alleging that the decree of the tribal court upon which these claims depend, was obtained through fraud. In this connection, see opinion of the Assistant Attorney General of February 18, 1904, in the Dawson case, copy of which was forwarded to you February 24, 1904.

A copy of Indian Office letter relating to this group is inclosed.

Respectfully,

(Signed) Theo Ryan,

Acting Secretary.

1 inclosure.

Cherokee D-1124.

Muskogee, Indian Territory, April 12, 1904.

Charles T. Bradshaw,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 23, 1902, granting, among others, your application for the enrollment of your wife, Florence P. Bradshaw, and your two minor children, Myrtle and Claude Bradshaw, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

F. J. Hodges.

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McEwen,  
Attorney for Francis L. Dawson, et al.,  
South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. E. Atkins, John W., Albert L., Ralph H., Alford, Samuel R., August, Kate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulzsky, John, Robert M., Iola E., Lemuel H., Rosa E., Charles B., Hattie J., Jennings E., James U., Vergal C., Thomas E., Marie J., Orle H., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Harmon, Toshie A. Jackson, Fannie, Birtie K. and Myrtle Laner, Missouri, Temp. V., Robert S., Oideon, John W., Julius E., Francis W., Mary E., Jesse B., Gracie A. and Florence M. Graham, Laverne A., Ada E., Eva P., John W., Ray D., Roberta A., and

Roy W. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna L. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ida E. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Albert W., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas K. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilburn, James R., Winnie D., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Minis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie B. Fishback, Lula P., Curtis, Morris G. and Roy Weddle, Florence, Clide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Mabry and William D. Douthitt; as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, John, Robert, and Tom Love, Ocie, Lizzie, Jessie, Ray, and Clyde Fashen as citizens



by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

SIGNED:

*I. B. Neel*

Commissioner in Charge.

COPY.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Eula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward C., and George J. F. Atkins, John W., Albert L., Ralph H., Alford, Samuel R., August, Lave and Robert Dawson, Mattie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Zulawsky, John, Robert E., Iola L., Lemuel H., Rosa B., Charles B., Mattie J., Jennings B., James U., Vergal C., Thomas P., Marice J., Orle H., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claud, Dwight and William D. Hanson, Toshie A. Jackson, Fannie, Birtie E. and Myrtle Lenox, Missouri, Tompa V., Robert S., Gideon, John W., Julius E., Francis U., Mary E., Jesse E., Gracie L. and Florence M. Graham, Laverne A., Ada R., Eva P., John W., Ray D., Roberta A., and

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Neal, James M., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Elbert E., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claude A., Edgar D., Thomas L. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James R., Vinnie D., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie B. Fishback, Lula P., Curtis, Morris O. and Roy Weddle, Florence, Slide and Alice A. Morgan, John E. Fishback, Edna, Roby and Charley Labry and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberts, and Rosa Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

-3-

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

CHEROKEE 10750.

Florence P. Bradshaw et al.

For word in this case,  
see H. P. H. Charles F.  
Bradshaw et al.



END  
OF  
ROLL

