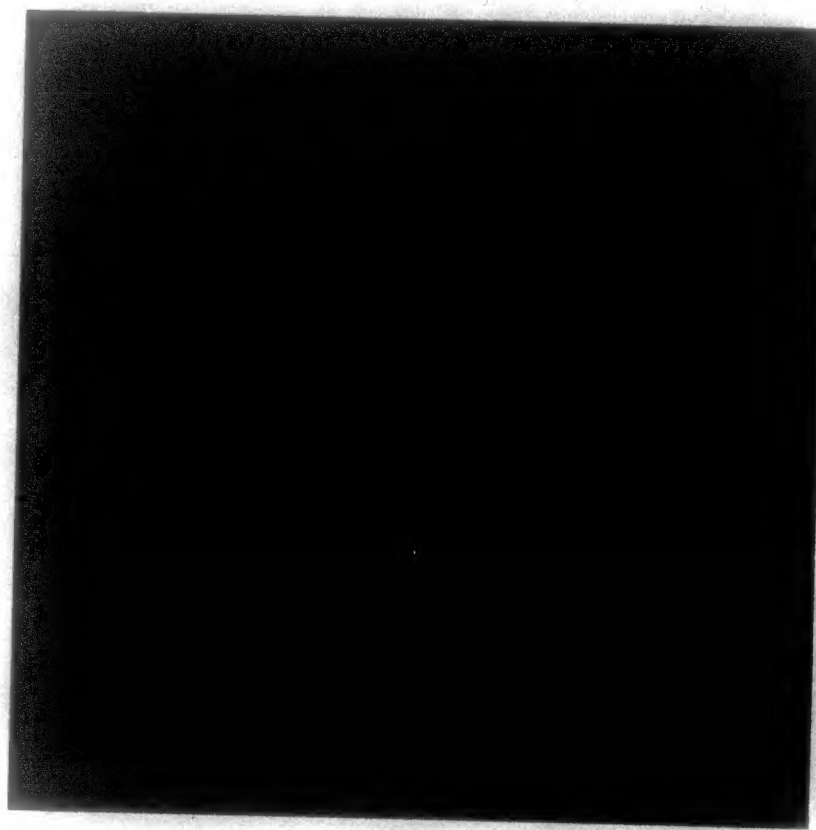
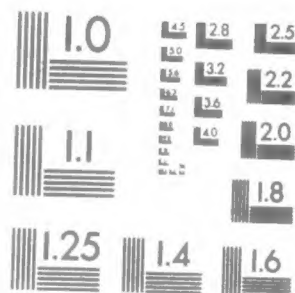
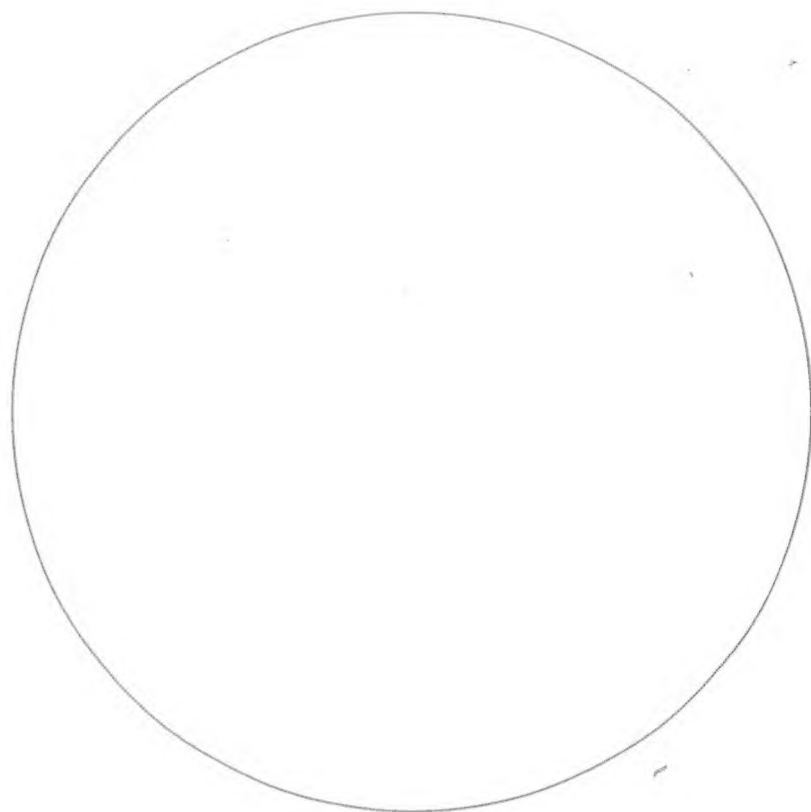
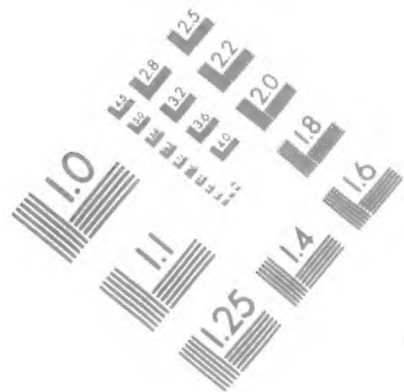


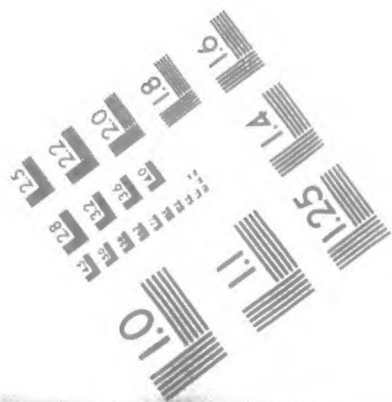


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APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 264

CHEROKKE BY BLOOD 10946 - 10994

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

**WASHINGTON: 1983**

Cher 10946

Jennie Doublehead

Trans. from D3019

Cher 10946

C7B

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

---

In the matter of the application for the enrollment of  
JENNIE DOUBLEHEAD, ET AL.,  
as citizens of the Cherokee Nation.  
CHEROKKEE D 3019.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,  
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emmet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

Jennie Double Head #365 Saline District.

- Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1880  
Cherokee roll, their families and their descendants:

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.

Subscribed and sworn to before me this December 9, 1902.

*E. C. Bagwell*  
Notary Public.

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

In the matter of the application for the enrollment of  
 John Cooley, et al, as citizens of the Cherokee Nation, consolidating  
 the applications for the enrollment of

John Cooley	Cherokee	3-1562
Levi Fynell	Cherokee	3-1411
F. W. Horn	Cherokee	3-1418
David McDaniel	Cherokee	3-1417
George Morgan	Cherokee	3-1412
W. J. Robins	Cherokee	3-1444
Annie Spaniard	Cherokee	3-1458
Addie Brown	Cherokee	3-1471
Johnson Sanders	Cherokee	3-1512
Lydia Stokes	Cherokee	3-1546
John Hwert Eyers	Cherokee	3-1556
Belly Constitution	Cherokee	3-1577
Jennie Chuck	Cherokee	3-1579
Samuel L. Crumaker	Cherokee	3-1583
Mary Ellen Hampton	Cherokee	3-1579
Malindia Lindsey	Cherokee	3-1612
Oskey	Cherokee	3-1643
Lewis Willie	Cherokee	3-1675
Bellews Willie	Cherokee	3-1694
Cynthia Acorn	Cherokee	3-1697
Lina French	Cherokee	3-1719
Isay Glass	Cherokee	3-1725
Charlitta Glass	Cherokee	3-1727
Th. P. Hunter	Cherokee	3-1728
Wollie Road	Cherokee	3-1730
Wasting Cooper	Cherokee	3-1752
David Filderbrand	Cherokee	3-1754
John Ice	Cherokee	3-1736
J. R. Newton	Cherokee	3-1750
Martha Newton	Cherokee	3-1751
Osbank Stand	Cherokee	3-1774
Nashel Wayer	Cherokee	3-1785
Anna Anney	Cherokee	3-1814
Susan Bird	Cherokee	3-1815
Isa Bell	Cherokee	3-1812
Tyner Crittenton	Cherokee	3-1817
Dick Cance-dragger	Cherokee	3-1827
Nancy Crittenton	Cherokee	3-1825
Jane Charles	Cherokee	3-1823
Albert Dick	Cherokee	3-1827
Charles Dick	Cherokee	3-1830
Susan Duck	Cherokee	3-1831
Olevia Foreman	Cherokee	3-1835
John Fourkiller	Cherokee	3-1834
Dick Jackson	Cherokee	3-1833
Fancy Jackson	Cherokee	3-1839
Manna Jones	Cherokee	3-1840
Mandy Knight	Cherokee	3-1843
Anna S. Farris	Cherokee	3-1847
Jane Farris	Cherokee	3-1848
Samuel Pritchett, et al	Cherokee	3-1849

William Pritchett	Cherokee	Y-1851,
Leathy Robins	Cherokee	Y-1856,
Emma Smith	Cherokee	Y-1859,
Cab-nay-keh Swimmer	Cherokee	Y-1863,
Susan	Cherokee	Y-1865,
George Tocneewee	Cherokee	Y-1868,
James Tah-lah	Cherokee	Y-1870,
Mary E. Brewer	Cherokee	Y-1885,
Mattie Brewer	Cherokee	Y-1886,
Belle Brewer	Cherokee	Y-1887,
John Bird, et al	Cherokee	Y-1899,
Klisa Chowning	Cherokee	Y-1912,
John Cornslik	Cherokee	Y-1915,
Nannie Dunningburg	Cherokee	Y-1923,
Preston Hartan	Cherokee	Y-1960,
Susie Martin	Cherokee	Y-1961,
Charley Pettit	Cherokee	Y-1981,
Wcife	Cherokee	Y-2040,
Ma. Beamer	Cherokee	Y-2047,
Akie Beamer	Cherokee	Y-2048,
Lisa Tah-woo	Cherokee	Y-2108,
Anna Daugherty	Cherokee	Y-2157,
Nancy Daugherty	Cherokee	Y-2158,
Long Ann Daugherty	Cherokee	Y-2160,
Cherckee Guineahood	Cherokee	Y-2160,
Polly Hawk	Cherokee	Y-2173,
Five-killer Holt	Cherokee	Y-2175,
Zonas Harnage	Cherokee	Y-2177,
George Fomner	Cherokee	Y-2179,
Wa. E. Lee	Cherokee	Y-2184,
Eschal Moore	Cherokee	Y-2186,
Pollie Murphy	Cherokee	Y-2190,
Rhoda Ose	Cherokee	Y-2194,
Dutch Shade	Cherokee	Y-2215,
Nancy Spade	Cherokee	Y-2219,
Cheche Simons	Cherokee	Y-2221,
Martha Ursery	Cherokee	Y-2224,
Budger Watatooka	Cherokee	Y-2231,
Betsy Frown	Cherokee	Y-2262,
Lizzie Bushy-head	Cherokee	Y-2266,
Andrew Brown	Cherokee	Y-2270,
Arch Cristy et al	Cherokee	Y-2277,
Jinny Cristy	Cherokee	Y-2276,
Juda Cune	Cherokee	Y-2285,
Chaslete	Cherokee	Y-2287,
Mollie Cochran	Cherokee	Y-2304,
Chasie-na-see	Cherokee	Y-2305,
Galy Jee-in-water	Cherokee	Y-2306,
Jave	Cherokee	Y-2308,
Annilla Downing	Cherokee	Y-2309,
Femper Jobbins	Cherokee	Y-2310,
Polly Jobbins	Cherokee	Y-2311,
Elizabeth	Cherokee	Y-2317,
Johnson Falling	Cherokee	Y-2324,
Villie Flowers	Cherokee	Y-2325,
Linda Gussar	Cherokee	Y-2327,
Ellen Hendricks	Cherokee	Y-2328,
Anna Hogelctar	Cherokee	Y-2329,
Ad Horn	Cherokee	Y-2334,



John Orley et al ----->

George Hendricks  
 Lidda Ice  
 Kah-ho-tah  
 Cloud Lewis  
 Red Bird McCarty, et al  
 Qualeka McCarty  
 Wamma Much  
 \_\_\_\_\_  
 Nancy  
 \_\_\_\_\_  
 Phillips  
 Jennie Annetta Patton  
 Quale-le-yu-kah  
 Anna R. Gould  
 George Sam  
 \_\_\_\_\_  
 Susannah  
 \_\_\_\_\_  
 Sarah  
 Cherokee Smoker  
 Sul-le-kot-kee  
 Sally Vail  
 \_\_\_\_\_  
 Tecney  
 JOHN Townsend  
 Daniel Tieska  
 Jerkey Tassel  
 Anna Young  
 Nannie Spaid  
 Benjamin Pope  
 Joseph Shinn  
 Lillie Whittington  
 Margaret A. Woodall  
 James Cochran  
 Lucy Glass  
 Lina Ross  
 Kordelia Thomas  
 John Grittenden  
 Ida Heiswater  
 Daisy Bullfrog  
 Sarah Swumber, et al  
 Lissie Jars  
 William Jaoler  
 Jack Hawk  
 Benjamin Jug  
 Benjamin Pettitt  
 Wutty Roach  
 Kate Wildont  
 \_\_\_\_\_  
 Satawakie  
 Willie Yahclah  
 Aggie Righard  
 Nellie Downing  
 Jennie Double Feed  
 Mary Sunday  
 Mary Silk  
 Lena K. Tiswell  
 Rachel Lee  
 Frank R. Carter  
 Lewis Cordroy  
 Thompson Oritts  
 Annie Gustin  
 Fanny Gustin  
 Laura Johnson  
 Mary Phillip  
 Thelma Russell

Cherokee 2-2341,  
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 Cherokee 2-3106,  
 Cherokee 2-3112,  
 Cherokee 2-3114,  
 Cherokee 2-3116,  
 Cherokee 2-3123,  
 Cherokee 2-3131,  
 Cherokee 2-3133,

John Cocley et al ----4

William Raft, et al  
Charlotte Snicker  
Nancy Sunday  
Betsy Sullatoeske

Cherokee D-3134,  
Cherokee D-3137,  
Cherokee D-3138,  
Cherokee D-3143.

ORDER OF DISMISSAL.

The record herein shows that on June 30, 1902, Ernest Starr appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of the following named persons whose names appear on the Cherokee tribal rolls in the possession of the Commission and for whose enrollment no previous application had been made, to-wit: John Cocley, Levi Russell, J. V. Fern, David McDaniel, George Morgan, W. J. Robins, Annie Spauldard, Addie Brown, Johnson Sanders, Lydia Stokes, John Ervart Byers, Lilly Constitution, Jennie Chuck, Samuel L. Cornsaker, Mary Ellen Hampton, Malindia Kinkoy, ~~Calley~~, ~~John Willie~~, Bellows Willie, Cynthia Acorn, Linda French, Lucy Glass, Charlotte Glass, Wm. P. Hunter, Nellie Hood, Gusting Hooper, David Hilderbrand, John Ice, J. R. Newton, Martha Newton, ~~John~~ Rachel Wagner, Anna Akemy, Susan Bell, Lee Bell, Fynor Cullington, Dick Cance-dragger, Nancy Crittenton, Jane Charles, ~~Alma~~ Dick, Charles Duck, Susan Duck, Olevia Terman, John ~~Terman~~, Dick Jackson, Nancy Jackson, Diana Jones, Nancy Knight, ~~John~~ Parrin, Jane Parrin, Samuel Pritchett, Susan Pritchett, ~~William~~ Pritchett, Leahy Robins, ~~John~~ Galt, ~~John~~ Swinner, Susan, George Tennessee, James Tah-lah, Mary W. Brewer, Fattie Brewer, Belle Brewer, John Bird, Mary Bird, Eliza Cheaming, John Cornsilk, Yennie Jennings, Weston Kerton, Susie Lartin, Charley Pettit, ~~Walter~~, Wm. Decker, Alie Decker, Ida Tah-see, Anna Laugherty, Nancy Laugherty, Long Arm Laugherty, Cherokee Guinehead, Polly Hawk, Wife-killer Holt, Senae Harnage, George Hogner, Wm. H. Lee, Rachel Hays, Pollie Murphy, Rhoda Ose, Dutch Shade, Nancy Spade, Charles Simons, Martha Urbary, Deager Watatooka, Betsy Brown, Lizzie Bushy-head, Andrew Brown, Arch Cristy, Linda Cristy, Jinny Cristy, Juda Cate, ~~Charles~~, Willie Cochran, Cheale-ne-see, Caty Bear-in-water, ~~John~~, Arnilla Downing, Jumper Jobbins, Polly Jobbins, Elizabeth, Johnson Palling, Willie Pledge, Lida Shabb, Allen Hendricks, Anna Roghsceter, Ant Fern, George Hendricks, Lida Fox, Kah-he-tah, Cleud Lewis, Red Bird McCarty, Jimmy McCarty, ~~John~~, Fannit Hush, Nancy, Phillips, Jennie ~~Phillips~~, Quale-Le-yu-kah, Anna R. Heard, George ~~Heard~~, Sarah, Charcke Snoker, Sul-le-koc-see, ~~John~~, Tooney, John Townsend, Daniel Tieska, Jarkey ~~Tieska~~, ~~John~~ Young, and Hamie Spald, whose names appear on the ~~Cherokee~~ tribal roll of 1880, and for Benjamin Pope, ~~John~~ ~~Washington~~, Margaret A. Woodall, James ~~Woodall~~, Herdecia Thomas, John Crittenton, Ida ~~Crittendon~~, Sarah Croucher, James Croucher, Elsie Jane, ~~John~~ Hawk, Benjamin Jay, Benjamin Pettit, Fatty ~~Snicker~~, Kate Wilson, ~~John~~ Sutawakie,

John Cooley, et al -----5.

Wakie Yahclah, Aggie Pighed, Nellie Downing, Jennie Double Head, Mary Sunday, Mary Silk, Lena M. Wiswell, Rachel Lee, Frank R. Carter, Lewis Cordrey, Thompson Gritts, Annie Gustin, Henry Gustin, Laura Johnson, Mary Phillip, Thomas Runnels, William Raft, Jennie Raft, Charlotte Smoker, Nancy Sunday and Betsy Sallateskee, whose names appear on the Cherokee census roll of 1896.

Akie Seamer (Cherokee D-2048) is also identified on the Cherokee census roll of 1896.

An examination of the said tribal rolls shows that all the applicants are of Indian nationality, of either Cherokee or Shawnee blood.

The Commission has made diligent inquiry, covering a period of nearly two years, to secure information relative to the status of the applicants, and, from information obtained by the various field parties of the Commission, and received from citizens appearing at the Cherokee Land Office, principally from old residents of the respective districts in which the applicants were enrolled, it finds that all of such applicants died prior to September 1, 1902.

Section 26 of the Act of Congress approved July 1, 1902 (Public - No. 241), and duly ratified, as provided in Section 75 thereof, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes".

It is, therefore, ordered that the applications for the enrollment of John Cooley, Levi Ercell, J. V. Eorn, David McDaniel, George Horgan, W. J. Robins, Annie Spaniard, Addie Brown, Johnson Sanders, Lydia Stones, John Svart Byers, Nelly Constitution, Jennie Check, Samuel L. Cernatzer, Mary Ellen Hampton, Malindia Lindsay, Oakay, Lewis Willie, Wellows Willie, Cynthia Acorn, Lina French, May Glass, Charlotte Glass, Wm. P. Hunter, Nellie Head, Vasting Kopper, David Hilderbrand, John Ice, D. R. Newton, Hartha Newton, Cahawk Stand, Rachel Weyer, Anna Monev, Susan Bird, Luc Bell, Tyner Crittenton, Dick Cance-dragger, Fanny Crittenton, Jane Charles, Albert Dick, Charles Jack, Susan Jack, Olivia Foreman, John Fearkiller, Dick Jackson, Fanny Jackson, Emma Jones, Fanny Knight, Emma S. Parris, Jane Parris, Samuel Pritchett, Susan Pritchett, William Pritchett, Leathy Robins, Emma Smith, Cah-nay-lah Swimmer, Susan, George Youmewas, James Yah-lah, Mary E. Irver, Kattie Brewer, Belle Brewer, John Bird, Mary Bird, Miza Channing, John Cernatik, Emma Jennings, Preston Harten, Susie Martin, Charley Pettit, Wm. Seamer, Akie Seamer, Lina Tab-see, Ann Tagherty, Fanny Tagherty, Long Ann Tagherty, George G. Tagherty, Nelly Tagherty, Eben Miller Holt, Emma Hargrave, George Hopper, Wm. F. Lee, Rachel Moore, Follie Murphy, Susan See, Dutch Stone, Nancy Spade, Susie Stone, Hartha Swaby, Sadler Watafcha, Hetty Brown, Marie Dandy-head, Andrew Brown, Rich Swaby, Liza Swaby, Fanny Swaby, John Swaby, Sam Swaby, Willie Cochran, Sammie Cochran, Gaty Lee-ester, Sammie Downing, James Robbins, Polly Robbins, Sammie Downing, Johnson Pulling, Willie Flowers, Lida Cross, Allen Swaby, Sam Swaby, Sam Swaby, George Swaby, Lida Lee, Kah-lah-ah, Chas. Swaby, Sam Bird Mcarty, Fanny Mcarty, Sammie Mcarty, Emma Swaby, Fanny, Sammie, Sammie Annetta Swaby.

John Wiley, et al.

Shil-la-ye-ink, Anna R. Gourd, George Sam, Susannah, ---  
Frank, Caroline Snider, Sil-la-ye-ink, Billy Tall, ---  
Johnny, John Leonard, Thiel Faska, Dorsey Tamm, Anna Young,  
Martha Child, Benjamin Pope, Joseph Mann, Lillie Whittington,  
Margaret S. Fedall, James Graham, Lucy Glass, Lino Ross, Margaret  
Thomas, John Critchenden, Ida Holmwater, Betsy Bullfrog, Sarah  
Kramer, James Cumber, Lizzie Day, William Decker, Jack Hart,  
Benjamin Day, Benjamin Pettit, Watty Beach, Kate Wilcox,  
Margaret, Marie Walker, Annie Higgins, Nellie Downing, ---  
Lillian Reed, Mary Sunday, Mary Silk, Lena H. Winwell, Sarah Lee,  
Frank H. Carter, Lewis Correy, Thompson Gritts, Annie Gustin,  
Mary Gustin, Laura Johnson, Mary Phillip, Thomas Rummie, William  
Hart, Annie Hart, Charlotte Gaster, Nancy Sunday and Betsy  
Shil-la-ye-ink as citizens of the Cherokee Nation be, and the same  
are hereby admitted, without prejudice.

ADMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed)                     T. H. Pickett                      
Chairman.

(Signed)                     T. H. Pickett                      
Commissioner.

(Signed)                     C. R. Breakridge                      
Commissioner.

State of Oklahoma, Indian Territory,

No.                     NC 23 ICC

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., SEPTEMBER 7, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JENNIE DOUBLEHEAD as a citizen by blood of the Cherokee Nation.

JENNIE DOUBLEHEAD, being first duly sworn, testified as follows through special interpreter, PRICE COCHRAN:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Jennie Doublehead.  
Q How old are you? A Maybe 28.  
Q What is your post office? A Spavinaw.  
Q Are you a full blood Cherokee? A Yes sir.  
Q What is the name of your father? A Stealer Doublehead.  
Q Is he living? A Yes sir.  
Q In what District does your father live? A Saline District.  
Q What is the name of your mother? A Elsie Ketcher.  
Q She is living is she? A Yes sir.  
Q Live in Saline District? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q You never made your home outside of the Cherokee Nation at all, did you? A No sir.  
Q Are you married? A Yes sir.  
Q What is the name of your husband? A Dick Pickup.  
Q Is this he (indicating)? A Yes sir.  
Q Is he a full blood Cherokee? A Yes sir.  
Q When were you married? A A little over 3 years ago.  
Q Do you remember in what month? A I don't know exactly what month.  
Q In the summer or fall? A In the winter.  
Q Would it be this coming winter two years ago? A Yes sir.  
Q What is the name of your mother's husband? A Dick Ketcher.  
Q Did they ever call him Ketcher Whirlwind? A I don't know.  
Q Have you some younger sisters and brothers? A I have two sisters.  
Q Give their Cherokee names? A Wah-le-so and Car-he-ny, and one boy, he is dead, Lewis.  
Q How long has Lewis been dead? A About a year ago.  
Q Are the English names of Wah-le-so and Car-he-ny Polly and Lizzie?  
A Yes sir.

The applicant is identified on the 1896 Census roll of citizens of the Cherokee Nation page 989, No. 365, Saline District, as Jennie Doublehead, native Cherokee 16 years of age. She is identified on the 1894 Cherokee pay roll page 928, No. 1451, Saline District as Jennie Doublehead. She is identified on that roll with her step-father, Catcher Whirlwind and mother, Alsey Whirlwind, sisters, Polly and Lizzie Whirlwind. The applicant's mother is listed for enrollment on Cherokee card No. 7960 and her name appears upon a schedule of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior opposite No. 18648 as Elsie Whirlwind. Her name is identified on the 1880 Authenticated roll of citizens of the Cherokee Nation, page 622, No. 206, Saline District as Elley Cabagehead.

- Q Have you some children? A Yes sir, have got two.  
Q What is the name of the oldest one? A Cah-na-loc-lees-ky.  
Q How old is that child? A About 9 years old.  
Q What is the name of its father? A Nick Palling.  
Q Is he living? A Yes sir.

- Q In what district? A Saline District.  
Q Were you and he married? A No sir, not by law.  
Q Is that child a boy or girl? A A boy.  
Q Is Nick Falling a full blood Cherokee? A Yes sir.  
Q Is that the only child you have besides the one in your arms?  
A Yes sir.  
Q This one is about 9 or 10 months old? A Yes sir, about 10 months old.  
Q Do you remember in what year your child, Cah-na-loo-lees-ky, was born? A I don't know what month it was.  
Q Do you know what year? A I don't know.

DICK PICKUP, being first duly sworn, testified as follows through special interpreter, PRICE COCHRAN:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Dick Pickup.  
Q How old are you? A 52.  
Q What is your post office address? A Spavinaw.  
Q Have you children Sallie and Joe? A Yes sir.  
Q Is that your wife (indicating the applicant)? A Yes sir.  
Q She states you married this coming winter will be two years, is that right? A Yes sir, this winter two years ago.  
Q How long have you known her? A About 5 years before that.  
Q Has she always lived in the Cherokee Nation? A Yes sir.  
Q Always recognized as a Cherokee by blood? A Yes sir.  
Q Are her folks all Night Hawks? A Yes sir, her brother is a Night Hawk.  
Q She has a child, Cah-na-loo-lees-ky, is that child living? A Yes sir.  
Q Live at home with you? A It lives with Paymaster Cabagehead going to school.  
Q Do you know whether the child has ever been enrolled? A No sir, I don't know.

JENNIE DOUPLEHEAD RECALLED:

ON BEHALF OF THE COMMISSIONER:

- Q Has the child Cah-na-loo-lees-ky lived with you all its life?  
A Yes sir.  
Q Has it ever lived with any of its relatives? A Yes sir.  
Q Who? A Paymaster Cabagehead.  
Q Paymaster Cabagehead got a child named Lizzie? A Lizzie is dead.  
Q Is your child about the same age as Lizzie if Lizzie was living?  
A Lizzie is the oldest.

The applicant's husband, Dick Pickup, is listed for enrollment on Cherokee card field No. 7725.

-----000-----  
George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lessley*

Subscribed and sworn to before me this 14th day of September, 1905.

*Edward M. ...*  
Notary Public.

20 *Cherokee D-3017*

IN RE

Application for Enrollment of  
INFANT CHILD

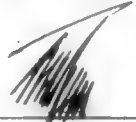
*Cah-na-100-lesky Falling*  
as a citizen of

*Cherokee*

Nation

Approved SEP 8 1905 190

*JH*



Commissioner.

Application for the enrollment of *Cah-na-100-lesky* Falling was made on June 30, 1902.

*JH*

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

FILED

SEP 8 1905



COMMISSIONER

*Files 09-27*

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Kah-na-lee-lusky Jalling, born on the        day of about, 1877  
(Here insert name of child.)  
Name of Father: Nick Jalling a citizen of the Cherokee Nation.  
Name of Mother: Jennie Pickup a citizen of the Cherokee Nation.  
Postoffice Sparrow IS

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Jennie Pickup, on oath state that I am about 28  
years of age and a citizen by blood, of the Cherokee Nation;  
that I am the lawful wife of Nick Pickup, who is a citizen, by  
blood, of the Cherokee Nation; that a male child was  
(Male or Female.)  
born to me on the        day of summer of 1877; that said child has been named  
Kah-na-lee-lusky Jalling, and is now living.

WITNESSES TO MARK:  
(Must be Two Witnesses.)  
        
Geo H. Linsley  
Jennie Pickup  
MARK

Subscribed and sworn to before me this 7<sup>th</sup> day of September, 1905.  
Bruce C Jones  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Nick Pickup, on oath state that I  
am the husband of Jennie Pickup and  
in the summer of 1877  
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 Kah-na-lee-lusky Jalling.

WITNESSES TO MARK:  
(Must be Two Witnesses.)  
        
Geo H. Linsley  
Nick Pickup  
MARK

Subscribed and sworn to before me this 7<sup>th</sup> day of September, 1905.  
Bruce C Jones  
Notary Public.



CJB

Cherokee D 3019.

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

In the matter of the application for the enrollment of Jennie Doublehead, et al., as citizens of the Cherokee Nation.

O R D E R .

THE RECORDS OF THIS OFFICE SHOW: That, at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Jennie Doublehead, her family and descendants, as citizens of the Cherokee nation.

The records further show that the Commission to the Five Civilized Tribes received information to the effect that Jennie Doublehead died prior to September 1, 1902, and on November 23, 1904, her application for enrollment as a citizen of the Cherokee Nation was, by order of said Commission, dismissed without prejudice. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 7, 1905, in which it is shown that Jennie Doublehead was living on September 1, 1902. On September 8, 1905, there was filed with this office an affidavit showing the birth, in the summer of 1897, of Cah-na-loo-lees-ky Falling, child of the applicant, Jennie Doublehead.

THE EVIDENCE IN THIS CASE SHOWS: That Jennie Doublehead is a Cherokee by blood, that she was born in the Cherokee Nation, has continuously resided therein since birth, and is duly identified on the 1896 Cherokee Census roll; and that Cah-na-loo-lees-ky Falling has always lived with his mother in said Nation.

IT IS THEREFORE ORDERED: That the order of the Commission to the Five Civilized Tribes of November 23, 1904, in so far as it affects the applicant, Jennie Doublehead, be rescinded, set aside and held for naught, and that the enlistment of Jennie Doublehead and Cah-na-loo-lees-ky Falling for enrollment on Cherokee card D 3019, be cancelled, and that they be listed for enrollment on a Cherokee straight card.

  
COMMISSIONER

Dated at Muskogee, Indian Territory,  
this     OCT 9     1905

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
 CHEROKEE LAND OFFICE.  
 Tahlequah, I.T., November 6, 1905.

-----

In the matter of the application for the enrollment of Jennie Double head and her son, Cah-na-loo-lesky Falling, as citizens by blood of the Cherokee Nation.

-----

Jennie Pickup (enrolled as Jennie Doublehead), being first duly sworn by J. L. DeGroot, Notary Public, and examined on behalf of the Commissioner through Jack Wofford, official interpreter, testified as follows:

- Q What is your name? A Jennie Pickup.  
 Q What is your age? A Twenty-four.  
 Q What is your postoffice address? A Spavinaw.  
 Q Are you a Cherokee by blood? A Yes sir.  
 Q What is the name of your father? A Stealer Doublehead.  
 Q What was the name of your mother? A Elsie Ketcher.  
 Q Have you a son by the name of Cah-na-loo-lesky Falling?  
 A Yes sir.  
 Q Is he living? A Yes sir.  
 Q Have you married since you were enrolled? A Yes sir.  
 Q What is the name of your husband? A Dick Pickup.  
 Q Is he a citizen of the Cherokee Nation? A Yes sir.  
 Q When did you marry him? A About three years ago this Fall.  
 Q That would be in the Fall of 1902--is that correct? A Yes sir.  
 Q Are you and he living together at the present time? A Yes sir.

-----

Ira S. Niles, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

*Ira S. Niles*

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

*Simon R. Wallingford*  
 Notary Public.

Cherokee 3-1861, et al

Mustagee, Indian Territory, November 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory,

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated November 23, 1904, dismissing the applications for the enrollment of, John Cookley, Levi Hysell, J. W. Horn, David McDaniel, George Morgan, W. J. Robins, Annie Spaniard, Midge Brown, Johnson Sanders, Lydia Stone, John Evert Myers, Kelly Constitution, Jennie Cheek, Samuel L. Cornatzer, Mary Ellen Hampton, Malinda Lindsey, Mary, Lewis Willie, Bellews Willie, Cynthia Acorn, Lina Brench, Lucy Glass, Charlotte Glass, Wm. P. Hunter, Hattie Head, Wasting Hoper, David Hilderbrand, John Ice, J. R. Newton, Martha Newton, Ollant Stand, Rachel Wayner, Anna Sh-ney, Susan Bird, Lue Bell, Oscar Crittenton, Dick Cance-dragger, Nancy Crittenton, James Charles, Albert Dick, Charles Duck, Susan Duck, Olevie Foreman, John Fourkiller, Dick Jackson, Nancy Jackson, Manna Jones, Nancy Knight, Emma S. Parris, Jane Parris, Samuel Pritchett, et al, William Pritchett, Leahy Robins, Erma Smith, Gah-nay-lah Swimmer, Susan, George Toccoowee, James Tah-lah, Mary H. Brewer, Belle Brewer, Ella Brewer, John Bird, et al, Elias Chearning, John Cornalik, Annie Dunlapberg, Preston Hartan, Shale Martin.

Charles Pettit, \_\_\_\_\_ Wolfe, Wm. Deamer, Alie Deamer, Liza Tsh-wee,  
Anna Daugherty, Nancy Daugherty, Long Arm Daugherty, Chercke  
Guinehead, Polly Hawk, Five-killer Holt, Zonae Harnage, George  
Eason, Mr. H. Lee, Rachel Koers, Pollie Murphy, Rhoda Cox, Dutch  
Ehade, Nancy Spade, Checha Simons, Martha Ursery, Badger Watatocka,  
Petsy Brown, Lizzie Bully-head, Andrew Brown, Arch Cristy et al,  
Jinny Orlity, Jude Gane, \_\_\_\_\_ Chusaketa, Ballie Cochran, \_\_\_\_\_  
Chusaketa, Oaty ~~and~~ ~~and~~, \_\_\_\_\_ ~~and~~, ~~and~~ ~~and~~,  
Jumper Hobbins, Polly Hobbins, \_\_\_\_\_ Elizabeth, Johnson Palling,  
Willie Pipers, Lida Guesse, Allen Hendricks, Anna Hogshetter,  
Ami Harn, George Hendricks, Lida Ice, Kah-ho-toh, Cicud Lewis,  
Red Bird McCarty, et al, Quikaka McCarty, Nanna Kush, \_\_\_\_\_  
Nancy, \_\_\_\_\_ Phillips, Jennie Annetta Patten, Quale-la-yu-mah,  
Anna R. Gourd, George Sam, \_\_\_\_\_ Sasannah, \_\_\_\_\_ Sarah, Cherokee  
Coker, \_\_\_\_\_ Gal-la-ho-lee, Sally Tall, \_\_\_\_\_ Tecney, John  
Tymond, Lizzie Fields, Maria Young, Anne Young, Annie Spald,  
Benjamin Papp, Joseph Smith, Lilla Whittington, Margaret A.  
Wastall, James Cochran, Lolly Glass, Liza Ross, Kerdoria Thomas,  
John Crittendon, Ida Reigwater, Petsy Bullfrog, Sarah Cuumber,  
et al, Lizzie Dove, William Dealer, Jack Hawk, Benjamin Jug,  
Benjamin Pettit, Fatty Ross, Kate Wilicat, \_\_\_\_\_ Guterakie, Fokie  
Yakolah, Aggie Bigham, Belle Downing, Jennie Double Head,  
Mary Sunday, Mary Hill, Anna M. Wigwell, Rachel Lee, Frank E.  
Cortey, Lewis Cortrey, Thompson Gritts, Annie Gustin, Henry Gustin,  
Laura Johnson, Mary Phillip, Thomas Bunnels, William Raft, et al,

Charlotte Enoles, Nancy Hickey and Peter Sulzbach, as citizens  
by blood of the Cherokee Nation.

Respectfully,

BY

*Jama Bixby*

Chairman.

Encl. K-25.

COPY.

Muskogee, Indian Territory, September 18, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There are inclosed herewith copies of testimony taken in the following Cherokee Enrollment cases on the dates given:

Cherokee P D-285, Bettie Cash, et al.,	September 14, 1905,
Cherokee D 2784, Lizzie Tennison,	August 30, 1905,
Cherokee D 2099, Nick Falling,	September 7, 1905,
Cherokee D 3019, Jennie Doublehead,	September 7, 1905.

There is also inclosed a copy of an order making certain records a part of the record in Cherokee freedman consolidated case, Jack Starr, et al., Freedmen D-445, et al.

Respectfully,

(SIGNED).

*Wm. O. Beall*  
Acting Commissioner.

18

Incl. 3-7

Cherokee D 3019.

COP

Muskogee, Indian Territory, October 9, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated October 9, 1905, rescinding the order of the Commission to the Five Civilized Tribes, dated November 23, 1904, dismissing the application for the enrollment of Jennie Doublehead, and transferring her enrollment and the enrollment of her minor child, Cah-na-loo-lee-ky Falling, on Cherokee card No. D 3019, to a Cherokee straight card.

Respectfully,

Incl. S-94

SIGNED

*W. W. Hastings*  
Commissioner.

Cherokee D 3019.

Muskogee, Indian Territory, October 9, 1905.

Jennie Pickup,  
Spavinaw, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated October 9, 1905, rescinding the order of the Commission to the Five Civilized Tribes, dated November 23, 1904, dismissing the application for your enrollment as a citizen of the Cherokee Nation, and transferring your name and that of your minor child, Cah-na-loo-les-ky Falling from Cherokee card No. D 3019 to a Cherokee straight card.

You are advised that you will not be permitted to make allotment selections for yourself and child until your names have been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

ESGNE11

*Tame Dixie*

Commissioner.

Incl. 8-95



Cher 10947

George Fencer

Trans. from D3187

Cher 10947

C7B

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

In the matter of the application for the enrollment of  
George Fencer as a citizen by blood of the Cherokee Nation.

CHEROKEE D-3187.

R  
Cher

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al.,  
for enrollment as citizens of the Cherokee Nation:

**EMMET STARR**, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emmet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1880  
Cherokee roll, their families and their descendants:

Katy Vencer, page 632 No. 423, Saline district; Native  
Cherokee, Twenty-one years of age.

E. C. Bagwell, on oath states that, as stenographer to the Commis-  
sion 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 August 18, 1902.

(Signed) B. C. Jones  
Notary Public.

( S E A L )

Louise Smith, being duly sworn, states that as stenographer to the  
Commissioner to the Five Civilized Tribes, she made the above copy, and  
that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this October 12, 1905.

*Louise Smith*  
*Myron White*  
Notary Public.

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

O R D E R.

WHEREAS, on June 30, 1902, Emmet Starr, a citizen by blood of the Cherokee Nation, appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of all persons whose names appear on the 1880 and 1896 Cherokee tribal rolls, their families and descendants, for whom no application had theretofore been made; and

WHEREAS, said application made by the aforementioned Emmet Starr was for the purpose of listing with the Commission within the time prescribed by law, the applications of all persons whose names were found on said tribal rolls, their families and descendants, for whom no application had been made in person or in their behalf.

IT IS HEREBY ORDERED, That when any Cherokee citizen coming within the class affected by the aforementioned "blanket" application and for whom no other application has been made of record with the Commission, appears before the Commission, his or her application shall be

listed on the records of the Commission as of June 30, 1902, and such application shall be considered as made on said date, and the rights of the person adjudicated accordingly.

TAMM BLIXBY,  
Chairman.

T. B. NEEDLES,  
Commissioner.

C. R. BRECKINRIDGE,  
Commissioner.

Muskogee, Indian Territory,  
March 30, 1905.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cherokee Land Office,  
Tahlequah, I.T., February 24, 1905.

In the matter of the application for the enrollment, as a citizen by blood of the Cherokee Nation, of GEORGE FENCER.

GEORGE FENCER, being duly sworn and examined by the Commission, testified through official interpreter, Samuel Foreman, as follows:

- Q What is your name? A George Fencer.  
Q How old are you? A 23.  
Q What is your postoffice address? A Kansas.  
Q What district do you live in? A Saline.  
Q Are you a citizen by blood of the Cherokee Nation? A Yes.  
Q Are you a full-blood Cherokee? A Yes.  
Q Were you born in the Cherokee Nation? A Yes.  
Q Have you lived here all your life? A Yes.  
Q Never lived anywhere else? A No.  
Q Are you married. A No. I have been; we separated.  
Q Your wife and child have been enrolled, have they? A Yes.  
Q You're just attending to your own enrollment now? A Yes.  
Q What was your father's name? A Will Fencer.  
Q What was your mother's name? A Jatey Fencer; she's dead.  
Q Is your father living? A No.  
Q Were they both full-bloods? A Yes.  
Q Both lived in Saline District? A Yes.  
Q When did your father die? A He's been dead a year, maybe longer.  
Q When did your mother die? A She's been dead about 4, maybe 5 years.  
Q Did you ever have a sister named Illey? A Yes.

Commission: Upon an examination of the 1880 authenticated roll of citizens of the Cherokee Nation, the parents of the applicant are identified thereon opposite Nos. 422 and 423, Saline District, as Wm. and Katey Fencer, native Cherokees.

- Q Did you draw the Strip money? A Yes.  
Q Did you ever go by any other name than George Fencer? A No.  
Q Were you enrolled in 1896, the enrollment after the payment?  
A I don't remember.  
Q Whom were you living with when you drew the Strip money? A At my mother's.  
Q What was her name at that time; who was she living with? A She wasn't living with anyone.  
Q What name did she go by? A She went by the name of Jatey Fencer.  
Q Was she ever married to a man by the name of Dick Carkowee?  
A Yes, after the Strip payment.  
Q How long after? A About a year after the payment.  
Q So at the time of the '96 enrollment her name was Katey Carkowee?  
A Yes.  
Q How long did she live with Dick Carkowee before she died?  
A About 4 years.  
Q Did you live with your mother up to the time she died?  
A Yes.

Q Have you got a halfbrother named Medicine Stayer? A Yes.  
Q Were you and he living together in 1896? A Yes.

-----

Mabel Maxwell Jones, being duly sworn, states that, as stenographer to the Five Civilized Tribes, she correctly recorded the testimony in the matter of this application, and that the above and foregoing is an accurate and complete transcript of her stenographic notes thereof.

Mabel Maxwell Jones

Subscribed and sworn to before me  
this 24th day of February, 1905.

Bert Tankersley

Notary Public.

*[Handwritten Signature]*

Cherokee D 3187.

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

In the matter of the application for the enrollment of  
George Fencer as a citizen by blood of the Cherokee Nation.

Upon an examination of the 1894 Cherokee strip payment  
roll it is found that the applicant, George Fencer, is identified  
thereon page 880, No. 455, Saline district.

It is ordered that this statement be filed with and  
made a part of the record in the matter of the application for  
the enrollment of said George Fencer as a citizen of the Chero-  
kee Nation.

*[Handwritten Signature]*  
Commissioner

Dated at Muskogee, Indian Territory,

this     OCT 14 1905



C-7B

Cherokee D-3187.

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

In the matter of the application for the enrollment of  
George Fencer as a citizen by blood of the Cherokee Nation.

--O--

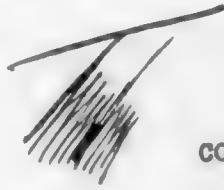
D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of George Fencer as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on February 24, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That said applicant was born in the year 1882, and that he is the son of Will Fencer and Katie Fencer, both Cherokees by blood, and whose names appear upon the 1880 Authenticated Cherokee Tribal Roll, page 632, Nos. 422 and 423, respectively.

The evidence further shows that George Fencer was born in the Cherokee Nation and has continuously resided therein since birth, and is duly identified on the 1894 Cherokee Strip Payment Roll, No. 455, Saline District.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provision of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), George Fencer is entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly granted.



COMMISSIONER.

Dated at Muskogee, Indian Territory,

this           OCT 1 1905

Cherokee D 3187.

COPY.

Muskogee, Indian Territory, October 14, 1905.

George Pencer,

Kansas, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for your enrollment as a citizen by blood of the Cherokee Nation.

You are advised that you will not be permitted to select an allotment of land in the Cherokee Nation 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 you will be duly notified.

Respectfully,

SIGNED

Incl. S-225

Commissioner.

Cherokee D 3187.

COPY

Muskogee, Indian Territory, October 14, 1905.

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for the enrollment of George Fencer as a citizen by blood of the Cherokee Nation.

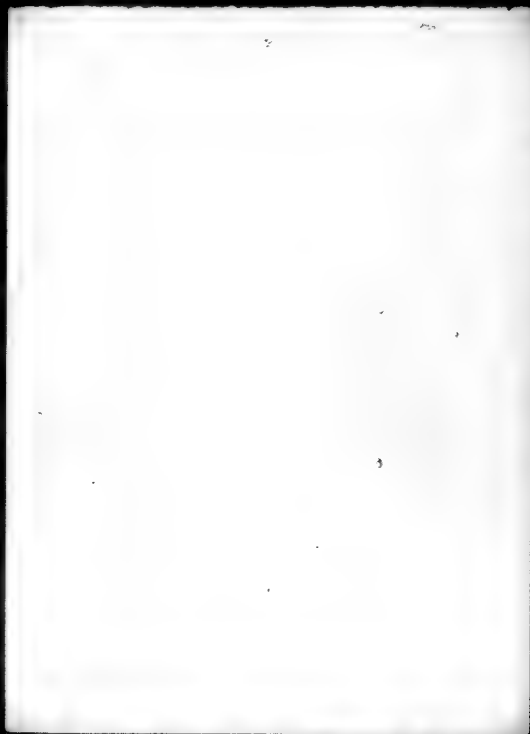
As you have verbally informed this office that you waive right to file protest in this case, this decision will be considered final.

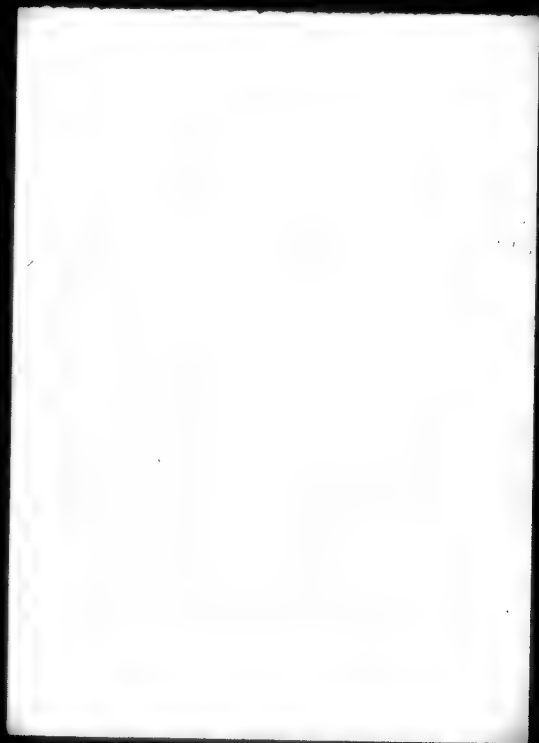
Respectfully,

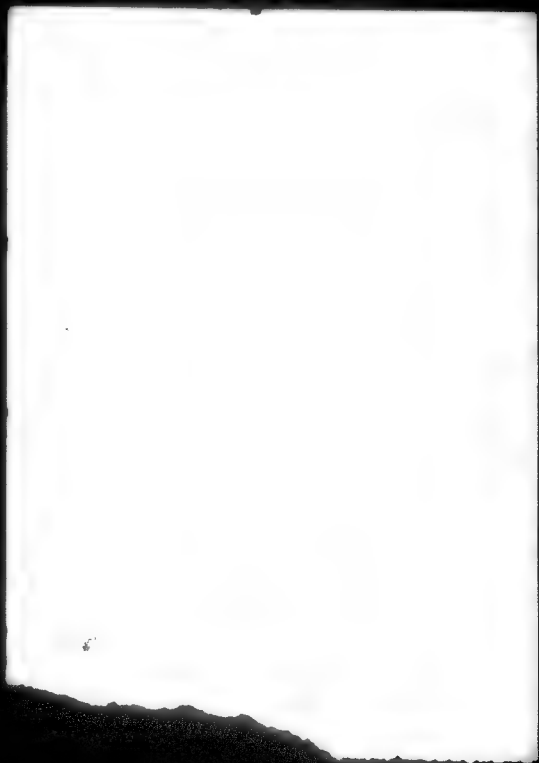
SAUCY

*Yams Sady*  
Commissioner.

Incl. S-226













Cher 10948

Lizzie Tennison

Trans. from D 2784

Cher 10948

C.F.B.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of  
L I Z Z I E T E N N I S O N ,  
as a citizen by blood of the Cherokee Nation.

CHEROKEE D 2784.

6212

DEPARTMENT OF STATE  
COMMISSION TO THE UNITED STATES  
FILE #  
DEC 31 1952

... before ...

W. G. ...

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of **EMMET STARR**, et al.,  
for enrollment as citizens of the Cherokee Nation:

**EMMET STARR**, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

**Lizzie Silcotts #3042 Delaware District.**

Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?

A I desire to apply for the following named persons on the 1896  
Cherokee roll, their families and their descendants:

-----  
E. C. Bagwell, on oath states that as stenographer to the  
Commission to the Five Civilized Tribes, he correctly recorded the  
testimony and proceedings had in the above entitled cause, and that  
the foregoing is an accurate transcript of his stenographic notes  
thereof.

*E. C. Bagwell*

Subscribed and sworn to before me this December 9, 1902.

*Simon R. Wallingford*  
Notary Public

BC

11-10-1905

11-10-1905

**FILED**  
JUN 7 1905  
COMMISSION TO FIVE TRIBES.

Ten Miles West of Siloam Springs, Arkansas.

May 10, 1905.

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

CHEROKEE D 2784.

In the matter of the application made for the enrollment  
of Lizzie Silcotts as a citizen of the Cherokee Nation.

Jim Still, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Jim Still.  
Q What is your age? A About 41.  
Q What is your post office address? A Flint, Indian Territory.  
Q Are you a citizen by blood of the Cherokee Nation?  
A I suppose so.  
Q You are a full blood, are you not? A Yes, sir.  
Q Have you been finally enrolled by the Dawes Commission?  
A I don't know.  
Q Have you selected your land as a citizen?  
A No, sir.  
Q Why?  
A Because I don't want any.  
Q Are you acquainted with a young woman by the name of Lizzie Silcotts?  
A Yes, sir; she is my niece.  
Q Is she your sister's child? A Yes, sir.  
Q What is the name of the mother of Lizzie Silcotts?  
A Sallie Silcotts it used to be; she is Sallie Lucas now.  
Q What was the name of Lizzie Silcotts father?  
A Bill Silcotts.  
Q Are her father and mother living?  
A Her mother is living, her father died at Ft. Smith  
Q Where does her mother live?  
A She lives here.  
Q Is she a citizen by blood of the Cherokee Nation?  
A Yes, sir.  
Q Is Lizzie Silcotts living? A Yes, sir.  
Q What is her present name?  
A Her name is Lizzie Tennison.  
Q What is the name of her husband? A Al Tennison.  
Q Is he a citizen by blood of the Cherokee Nation?  
A No, sir.  
Q Is he a white man? A Yes, sir.  
Q When were Lizzie Silcotts and Al Tennison married?  
A I do not know exactly.  
Q Well, about how long have they been married?  
A I do not remember - could not say.  
Q Where are Lizzie Tennison and her husband Al Tennison living at the present time?  
A They live at Gravette, Arkansas.  
Q Is their residence in the Cherokee Nation?  
A No, they live in Arkansas.

The applicant to whom the witness refers is identified on

(2).

the 1880 Cherokee Tribal Roll, Delaware District, and is listed from information on Cherokee Doubtful Card number 2784.

W. P. Covington, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported proceedings had in the above and foregoing case on the 10th day of May 1905, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said case on said date.

*W. P. Covington*

Subscribed and sworn to before me, this June 7<sup>th</sup> 1905.

*Myron White*  
*Notary Public*

D-2784

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, AUGUST 30, 1905.

SUPPLEMENTAL TESTIMONY in the matter of the application of  
Lizzie Tennison for the enrollment of herself as a citizen by blood  
of the Cherokee Nation.

LIZZIE TENNISON, being duly sworn, testified as  
follows:

ON BEHALF OF THE COMMISSIONER:

- Q. What is your name? A. Lizzie Tennison.
- Q. How old are you? A. I don't just exactly know; I am about twenty or twenty-one.
- Q. What is your postoffice? A. Gravette.
- Q. Is that in Arkansas? A. Yes sir.
- Q. Are you a Cherokee by blood? A. Yes sir.
- Q. What is the name of your father? A. Bill Silcox
- Q. Is he living? A. No sir.
- Q. Was he a Cherokee? A. No sir, he was a white man.
- Q. What is the name of your mother? A. Sallie Lucas, now.
- Q. Is she living? A. Yes sir.
- Q. Is she a Cherokee by blood? A. Yes sir.
- Q. Does she live in the Cherokee Nation? A. Yes sir.
- Q. In what District? A. I don't know --he(indicating her (witness, George Downin ) says it is in Going-Snake.
- Q. Where were you born? A. They call the place Toll Gate.
- Q. Is that in the Cherokee Nation? A. Yes sir
- Q. How long did you live in the Cherokee Nation, after you were born here? A. All my life until about four years ago.
- Q. What is the name of your husband? A. Al Tennison.
- Q. Is he a citizen of the Cherokee Nation? A. No sir.
- Q. When were you and he married? A. In 1899.
- Q. What day and month? A. Fourteenth day of August.
- Q. Up until the time you were married did you live in the Cherokee Nation continuously all your life? A. Yes sir, and about a year and a half after I was married.
- Q. Then where did you go? A. To Fayetteville.
- Q. That is in Arkansas? A. Yes sir.
- Q. Have you lived in Arkansas continuously since about a year and a half after you were married? A. Yes sir.
- Q. Have you any property in the Cherokee Nation? A. I have got a cow.
- Q. Where is it? A. It is at my mother's.
- Q. You have no farm in the Cherokee Nation? A. No sir.
- Q. Have you ever had any since you were married? A. No sir.
- Q. Does the name of your mother appear upon the roll of 1880? A. She is on the Roll--this last enrollment do you mean?
- Q. The Cherokee enrollment of 1890? A. I don't know.
- Q. Is she on the roll made by the Dawes Commission? A. I don't know.
- Q. Has she filed? A. Yes sir, she has filed.



In re Lizzie Tennison--2

- Q What degree of Cherokee blood do you claim? A. About one-half  
Q Is your mother a fullblood? A. Yes sir.  
Q Have you any older brothers or sisters? A. Yes sir, my brothers are older.  
Q What are their names? A. ~~Jack~~ Silcox, Jim Silcox, and two sisters younger than me, one named Susie Silcox and one named Eliza Silcox.  
Q Is your mother married now? A. Yes sir.  
Q What is her husband's name? A. John Lucas  
Q Do they ever call your mother by any name besides Sallie? A. Sometimes call her Sarah; Sallie and Sarah.  
Q Have she and Lucas any children? A. One.  
Q What is its name? A. Frank Lucas

The applicant is identified on the 1896 Cherokee Census Roll page 539, No. 3042, as Lizzie Silcotts, native Cherokee, 12 years of age. Her name appears together with her brothers and sisters above mentioned by her. Her mother, Sarah Lucas, is listed for enrollment on Cherokee card Field No. 8742. Her name is identified on the 1880 authenticated roll of citizens of the Cherokee Nation No. 1570, Going-Snake District, as Sarah Still. Her name is also identified on the 1896 Cherokee Census Roll, page 496, No. 1868, Delaware District, as Sarah Lucas

- Q Was your mother's maiden name still? A. Yes sir  
Q What is her mother's name? A. Susie Still.  
Q And her father? A. Jim Still.  
Q Is he living? A. No sir.  
Q Is her mother living? A. No sir, she died about three weeks ago.  
Q About three weeks ago now? A. Yes sir.  
Q Have you and Jack, Jim, Susie and Eliza Silcox the same father and same mother? A. A. Yes sir.

WITNESS EXCUSED.

GEORGE DOWNING, being duly sworn testified as follows:

ON BEHALF OF COMMISSIONER:

- Q What is your name? A. George Downing  
Q How old are you? A. I am 46 years old  
Q What is your postoffice? A. Rector, I.T.  
Q You are a duly enrolled Cherokee by blood? A. Yes sir.  
Q Do you know the applicant Lizzie Tennison? A. Yes sir  
Q How long have you known her? A. I have known her ever since she was a little kid; lived right there neighbors to them.  
Q Is she a Cherokee by blood? A. Yes sir.  
Q Always recognized as such? A. Yes, sir. Her mother and me is first cousins.  
Q Her mother is a Cherokee by blood? A. Yes sir  
Q She is a daughter of Sarah Lucas? A. This girl here is a daughter of Sarah Lucas.  
Q Did this applicant live in the Cherokee Nation all her life---  
A Up till she married, and I understood they went off then so her man could get work, he is some kind of a workman and he could

In re Lizzie Tennison, --3.

get work to do up there. They were back and forth all the time to the home place up here.

----->-----

Lucy M. Bowman being duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on this thirtieth day of August, 1905, and that the above and foregoing is a full true and correct transcript of her stenographic notes therein.

*Lucy M. Bowman*

Subscribed and sworn to before me this 30 day of August, 1905.

*Myron White*  
Notary Public.

C.F.B.

Cherokee D 2784

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

In the matter of the application for the enrollment of Lizzie Tennison ( Silcotts ) as a citizen by blood of the Cherokee Nation.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, at Muskogee, Indian Territory, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Lizzie Silcotts as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 10, and August 30, 1905, in which it developed that the correct name of said applicant at the date of her application, was Lizzie Tennison, and she will now be listed for enrollment under that name.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Lizzie Tennison, who is identified on the 1896 Cherokee Census roll, is a Cherokee by blood, and is a daughter of Sallie Lucas, whose name appears upon a partial roll of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior December 23, 1902, opposite No. 20252; that said applicant was born in the Cherokee Nation and continuously resided therein until the year 1901; that in 1899 she was married to Al Tennison, a non-citizen white man, and resided with him in the Cherokee Nation after her marriage in 1899, until she removed with him to the state of Arkansas in 1901. It is further shown that during her absence from the Cherokee Nation said applicant has owned personal property therein, and it is considered by this office that by her absence therefrom said applicant has not forfeited her rights to Cherokee citizenship.

IT IS, THEREFORE ORDERED AND ADJUDGED: That, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495 ), Lizzie Tennison is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.



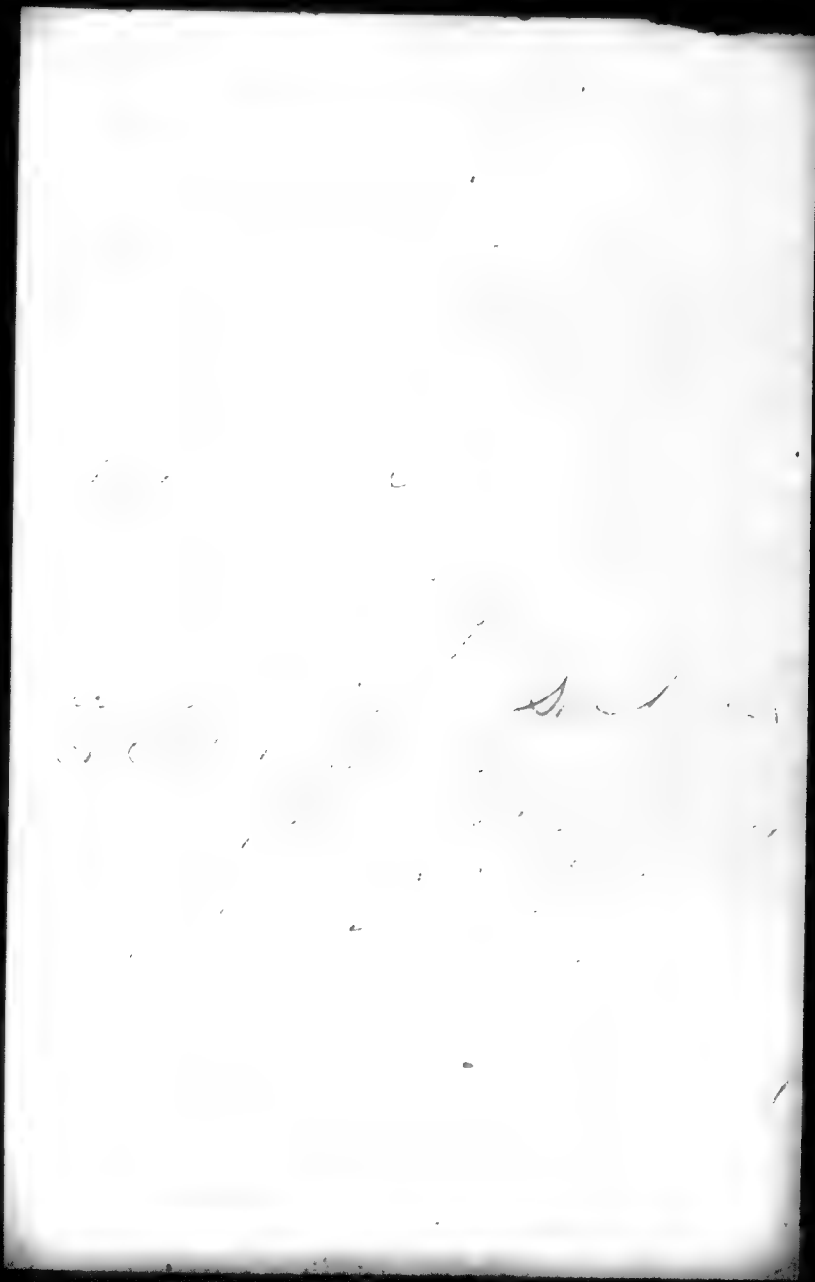
COMMISSIONER

Dated at Muskogee, Indian Territory,

this           OCT 11 1905

17-24

NOV 10 REC.



Cher. D-2784.

Tablequah, Indian Territory, November 4, 1903.

John Lucas,

Flint, Indian Territory.

Dear Sir:-

Application has been made to this Commission for the enrollment, as a Cherokee citizen, of one Lizzie Silcotts, who appears on the Cherokee census roll of 1896 and who appears to be a sister of Jack Silcox, concerning whom you gave testimony on May 26, 1902.

Do you know anything concerning Lizzie Silcotts? The Commission desires to be advised as to her present name and post office address and also requests you to give any other information which you may have concerning her.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

JOC.

Cherokee D 2784.

Tahlequah, Indian Territory, November 17, 1903.

Lizzie Tennison,  
Gravette, Arkansas.

Dear Madam:

Application has been made to this Commission for enrollment as a citizen of the Cherokee Nation of one Lizzie Silcotts, whose name appears on the Cherokee Census roll of 1896, in Delaware District.

The Commission is informed by John Lucas that you are the person referred to on that roll. Before your right to enrollment can be determined it will be necessary for you to appear before the Commission at its offices in Tahlequah, Indian Territory, on or before January 1, 1904, and submit evidence in support of the application which has been made for your enrollment.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MGR.

5 Equal Case 86

INDEXED

COMMISSION TO ENFORCE

NO.  
1966  
1905

JAN 11 1905

Phillips, A.,  
Gravette, Ark.  
Dec. 31, 1904

Wants information relative  
to right of Linnie in  
in the Cherokee Na.

C



To the Hon. Sec.

Nov 31, 1904

Dear Sir,

Enclosed

is

the report of the

Board of Directors

of the National Bank of Commerce  
for the year ending Dec 31, 1904.

The report is in two parts, one  
relating to the business of the  
bank and the other to the  
operations of the bank in  
the United States and  
foreign countries.

The report is printed in  
English and Spanish.

Very respectfully,  
Your obedient servant,

earliest possible rate was offered  
respectfully. A. P. H. C.

Fayette Arkansas

E. G. H. 1-1

Tahlequah, Indian Territory, January 13, 1905.

Lizzie Silcox,

c/o A. Phillips, R. F. D. No. 1,  
Gravette, Arkansas.

Dear Madam:

The Commission is in receipt of a letter from A. Phillips, of December 31, asking to be advised what steps for you to take in order to get your rights in the Cherokee nation, and if you can deed any of your land after gaining it.

In reply you are advised that it appears from the records of the Commission that one Lizzie Silcotts was listed for enrollment by the Commission from information, and that her name appears upon a doubtful card. As yet no decision has been rendered in her case.

The Cherokee Agreement proclaimed August 12, 1902, provides that no person whose name does not appear upon the roll prepared by this Commission, shall be entitled to in any manner participate in the distribution of the common property of the Cherokee tribe.

The Commission does not permit a claimant for enrollment as a citizen of the Cherokee nation to apply for land as his or her allotment until the enrollment of such claimant has been finally approved by the Secretary of the Interior.

With reference to an allottee selling his land after selecting it there are quoted for your information, Sections 13 and 14 of the

L 8 ----2

Cherokee Agreement above referred to, as follows:

"Sec. 13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to forty acres of the average allottable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment? Separate certificates shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him".

"Sec. 14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this Act".

The letter of A. Phillips, above referred to, has been referred to the Central Office of the Commission at Muskogee, Indian Territory and you will be further communicated with from that office with reference to your citizenship status in the Cherokee Nation.

Respectfully,

CVM

Commissioner in Charge  
Cherokee Land Office.

INDEXED.

COMMENCED TO FILE		No.	
No.	Received	No.	of
1318		Books	
1905	JAN 14 1905		

Cherokee Land Office,  
Tahlequah, I.T.,  
Jan. 14, 1905.

Transmits letter of  
A. Phillips relating to  
citizenship status of  
Lizzie Silcox.

CHEROKEE ENROLLMENT

COMMISSIONERS:  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
WM. O. BEALL,  
Secretary.

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

REPLY IN REPLY TO THE FOLLOWING:


ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, January 14, 1905.

Commission to the Five Civilized Tribes,  
(Cherokee Enrollment Division,)  
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a letter of A. Phillips, of Gravette, Arkansas, dated December 31, 1904, written in the interest of Lizzie Silcox, asking information relative to her citizenship status in the Cherokee Nation.

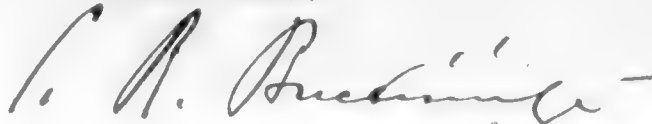
That part of the letter relating to land in the Cherokee Nation has been replied to by this office, a copy of which reply is enclosed you herewith, and I request that she be further communicated with from the Central Office as to her citizenship status in the Cherokee Nation.

It appears that she was listed for enrollment from information on Cherokee Card, field No. D-2874.

Respectfully,

CWM

ENC. CM-56



Commissioner in Charge  
Cherokee Land Office.

COPY.

Cherokee D-2784.

Muskogee, Indian Territory, January 19, 1905.

Lizzie Bilcox,  
Care A. Phillips, R.F.D.#1.,  
Gravette, Arkansas.

Dear madam:

The Commission is in receipt of a letter from A. Phillips, of Gravette, Arkansas, asking to be advised as to what steps it will be necessary for you to take in order to get your rights in the Cherokee Nation.

In reply you are advised that before your rights to enrollment can be determined it will be necessary for you to appear before the Commission and submit evidence as to the amount of Cherokee blood you possess and as to your residence in the Cherokee Nation.

As the rolls of citizenship are nearing completion, it is suggested that you appear before the Commission at its offices in Muskogee, Indian Territory, as soon as possible.

Respectfully,

*Tame Dixie.*  
Chairman.

COPY.

Cherokee  
D 2784

Muskogee, Indian Territory, June 8, 1905

Lizzie Tennison,

Care of A. Phillips,

R.F.D. No.1, Gravette, Arkansas.

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by blood of the Cherokee Nation it will be necessary for you to appear before this Commission at Muskogee, Indian Territory, and give testimony relative to your residence in the Cherokee Nation, and answer such other questions as the Commission may propound to you.

This matter should receive your immediate attention.

Respectfully,

ONE  
*T. B. Needles.*  
Commissioner in Charge



COPY.

Muskogee, Indian Territory, September 18, 1905.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There are inclosed herewith copies of testimony taken  
in the following Cherokee Enrollment cases on the dates given:

Cherokee F D-825, Bettie Cash, et al.,	September 14, 1905,
Cherokee D 2784, Lizzie Tennison,	August 30, 1905,
Cherokee D 2099, Nick Walling,	September 7, 1905,
Cherokee D 3019, Jennie Doublehead,	September 7, 1905.

There is also inclosed a copy of an order making cer-  
tain records a part of the record in Cherokee freedmen con-  
solidated case, Jack Starr, et al., Freedmen D-443, et al.

Respectfully,

(SIGNED).

*Wm. B. Bell*  
Acting Commissioner.

LS

Incl. 8-7

Cherokee D 2784.

COPY.

Muskogee, Indian Territory, October 14, 1905,

Lizzie Tennison,

Gravett, Arkansas.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for your enrollment as a citizen by blood of the Cherokee Nation.

You are 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 you will be duly notified.

Respectfully,

SIGNED

*John Kirby*

Commissioner.

Incl. S-227

Cherokee D 2781.

COPY.

Muskogee, Indian Territory, October 14, 1905.

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for the enrollment, as a citizen by blood of the Cherokee Nation, of Lizzie Tennison.

As you have verbally informed this office that you waive right to file protest in this case, this decision will be considered final.

Respectfully,

SIGNED

Incl. S-228

*[Signature]*  
Commissioner.

Cher 10949

Bert Davidson

Trans. from D1298

Cher 10949

W.F.M.C.  
D-662.

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

---

In the matter of the application for the enrollment of  
BERT DAVIDSON  
as a citizen by blood of the Cherokee Nation.  
Cherokee D 1298

1248

... and complete transcript of the stenographic notes furnished to the ...  
... the testimony and proceedings in this case, and that the ...  
... to the Commission on the Five Civilized Tribes, is ...  
... information ...

... and ... to ...

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
JUL 25 1902

ACTIVE FILE ROOM

C.  
C.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Spavinaw, I. T., April 29, 1902a.

In the matter of the application of BERT DAVIDSON for the enrollment of himself as a citizen of the Cherokee Nation:

JOHN BLACK, being first duly sworn, and being examined, testified as follows:

- BY COMMISSION: What is your name? A John Black.  
Q What is your age? A I am about seventy.  
Q What is your post office? A Spavinaw.  
Q Are you a white man? A No sir, I don't claim to be.  
Q Are you a recognized citizen of the Cherokee Nation?  
A I expect I am. I have not proved it yet.  
Q Who do you want to enroll? A Bert Davidson.  
Q How old is Bert Davidson.  
A Somewhere in the neighborhood of fifteen, I don't know exactly.  
Q Where is Bert Davidson now? A He is in Boonville, Missouri.  
Q Is he in the House of Correction there? A Yes sir, I had him down here, but he would not stay, and he got into a little trouble and I left him go.  
Q What is the name of Bert's mother? A Emeline Black.  
Q What is the name of Bert's father? A Ben Davidson. She died from Bert's birth.  
Q Was Bert Davidson's father a Cherokee Indian by blood?  
A That is what he said, and no one else disputed it. Several around here said he was, that knew him.  
Q Was Bert Davidson's mother a Cherokee Indian by blood, and a recognized citizen of the Cherokee nation?  
A No sir, she was not recognized, I don't guess, by the Cherokee Nation. I never did, and I guess she didn't.  
Q Was Emeline, the mother of Bert Davidson, your own daughter?  
A Yes sir.  
Q Was she ever admitted to citizenship in the Cherokee Nation by any authority? A I guess not, not any more than I was.  
Q Were you ever admitted? A No sir.  
Q Did you ever apply for admission? A Yes sir.  
Q Where did you apply? A Tahlequah.  
Q To the Cherokee authorities? A Yes sir.  
Q What did they do with your case? A I could not tell you. They got my money and dropped it. Would not give me any papers to admit me or anything. They got my money, and that's all.  
Q Did you ever apply to any other authorities, the United States Court, or the Dawes Commission in 1896? A No sir. I put some papers in up here, when they were up here at Vinita, but they sent them back too, and that's all.  
Q When was it you sent these papers to Vinita, and how long ago?  
A I could not tell you.  
Q About how long has it been? A It has been a couple or three years.  
Q Neither you nor your daughter, then, the mother of Bert Davidson, nor any of your family, were ever recognized as citizens of the Cherokee Nation?  
A No sir, not that I know of.  
Q None of them ever drew any money? A No sir, only that they said England drew my money.  
Q You never drew anything? A No sir, never went any further than I was guardian of Bert Davidson, but they said I could not be.  
Q You, nor any one of your family were ever enrolled as citizens of the Cherokee Nation? A No sir.

Q Was your daughter, the mother of Bert Davidson, ever married to Ben Davidson? A That is what they say. I could not tell you. She said they were married.

Q Have you any papers to prove that marriage? A No sir. He had the papers, and he got drowned, and I don't know what he did with them.

Q Was Davidson ever married before he lived with your daughter? A I could not tell you?

Q Was she ever married before? A No sir.

Q Were they said to have been married under Cherokee law, by a preacher? Did they get a license? A Preacher, I guess. I never asked them.

Q You don't know whether they were ever married or not? A No, I don't know.

Q Where did D. W. Davidson, the father of this child, live? A He lived up here on Horse Creek, between here and Vinita.

Q In Delaware District? A When I got acquainted with him, yes sir.

Q How old was he when he died? A I could not tell you.

Q How long has he been dead? A He died, and the woman died from birth, just as he was born.

Q Had he been living with your daughter for some time when this child was born? A Not a great while. He got drowned, and she died from the birth of Bert. I put him on the stub(?) myself up here.

Q Is Bert's father's name Daniel W. Davidson? A D. W. is the way he signs his name.

Q Do you have any idea how old a man he was when he died? A He was about middle-aged.

Q About forty or forty-five? A Yes sir, I think so.

Q Did you ever hear of him having a wife before he lived with your daughter? A Never asked. I never was in his company very long.

1880 authenticated roll examined for Daniel W. Davidson, and same identified as follows:

No. 834, Dan'l. W. Davidson, Native Cherokee, thirty years of age, Delaware District.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified as follows:

Page 464, #1013, Burt Davidson, Delaware District, age 12.

Q Are you the guardian for this child Bert? A I was, but it was taken away, and given to Bill Davis. I was guardian until they said I could not draw his money, and they gave it to Bill Davis.

Q Where does Bill Davis live? A Up here by the town.

Q What town? A Vinita.

Q Is Vinita his post office address? A Yes sir, I guess so.

Q Is he a Cherokee by blood? A They say he was.

Q Do you know his full name? A William T. Davis, I believe it is. I am acquainted some, but never asked any questions.

Q The trouble about this is that you have no proof that his mother was married to his father. His mother is a non-citizen, and is not recognized, and unless you can prove that she was married lawfully to the father of Bert Davidson, he will have to be rejected. If you can get any papers to prove that, or can prove it by the testimony of witnesses, you can bring them down to Muskogee, and proof of marriage will entitle the boy to enrollment.

A I don't know whether I can do it or not.

Q I will put the boy on a doubtful card, and you will have to see what you can do about getting proof of his parents' marriage.

Bert Davidson will be listed for enrollment upon doubtful card.



Wm. Hutchinson, 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 the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 1st day of May, 1902.

M D Green  
Notary Public.

D 1298

COS.

FIELD  
JUL 31 1902

*[Handwritten signature]*  
ATTEST

Statement of Applicant Taken Under Oath.

# CHEROKEES BY BLOOD AND ADOPTION.

Date Apr 29 1902

15

Name Bert Davidson (House of Representatives)

District Delaware Year 1996 Page 464 No. 1013

Citizen by blood no Mother's citizenship non city

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

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

*Wm J Davis* *Vinita J. Gardner*  
of this child.

COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

MAY 13 1902

*[Handwritten signature]*  
ACTING CHAIRMAN

RESIDENCE: Delaware District

Party No 4

CARD NO. \_\_\_\_\_

POST OFFICE: Boonville Mo. House of Correction

CHEROKEE NATION. CHEROKEE ROLL.

FIELD NO. 4-D6

Dawes' Roll No.	NAME.	Relation-ship to Person first Named	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
1	Davidson Bert		15	M	M	1896	Delaware	1018	Sam Davidson	Dead	Delaware	Emeline Davidson	Dead	Delaware
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														

Doubtful

Wm S Davis Limited S. S. Guardian of this child

Apr 29-09

*A. F. Mc  
David*

Cherokee D 1298

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

In the matter of the application for the enrollment of Bert Davidson as a citizen by blood of the Cherokee Nation.

---:---

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Spavinaw, Indian Territory, on April 29, 1902, John Black appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his grandson, Bert Davidson, as a citizen by blood of the Cherokee Nation.

THE EVIDENCE HEREIN SHOWS: That one D. W. Davidson, deceased, who is identified on the Cherokee authenticated tribal roll of 1880 as a native Cherokee, is the father of the applicant, Bert Davidson. That said applicant, Bert Davidson, was born since 1880, is identified on the Cherokee census roll of 1896, and with the exception of a term spent in the Reform School at Boonville, Missouri, has continuously lived in the Cherokee Nation since birth.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), Bert Davidson is entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

  
\_\_\_\_\_  
COMMISSIONER

Dated at Muskogee, Indian Territory

this     OCT 11 1905

COPY.

Muskogee, Indian Territory, February 20, 1908.

Missouri State Reform School,  
Booneville, Missouri.

Gentlemen:

On April 29, 1902, application was made to this Commission for the enrollment of one Bert Davidson as a citizen by blood of the Cherokee Nation. The party making the application claimed that the said Bert Davidson was at that time in the Missouri State Reform School and gave his age as about fifteen years.

It is respectfully requested that you advise the Commission whether or not you have had in charge a person answering this description, giving the date on which he was placed in school and the date of his release, together with such information as you may have relative to his ancestors.

Respectfully,

W. W. Bixby,  
Chairman.

Cherokee D 1298.

COPY.

Muskogee, Indian Territory, October 14, 1905.

William T. Davis,  
Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for the enrollment of your ward, Bert Davidson, as a citizen by blood of the Cherokee Nation.

You are advised that said Bert Davidson will not be permitted to make an allotment selection until his 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 he will be duly notified.

Respectfully,

Yours truly,

*James Bixby.*  
Commissioner.

Incl. S-230



Cherokee D 1298.

COPY.

Muskogee, Indian Territory, October 14, 1905.

J. Howard Langley,

Attorney for Bert Davidson,

Pryor Creek, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for the enrollment of Bert Davidson as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. S-231

*James Bixby.*  
Commissioner.

Cherokee D 1298.

5047.

Muskogee, Indian Territory, October 14, 1905.

V. W. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for the enrollment, as a citizen by blood of the Cherokee Nation, of Bert Davidson.

As you have verbally informed this office that you waive right to file protest in this case, this decision will be considered final.

Respectfully,

*James Dixon*  
Commissioner.

Incl. S-032

Cher 10950

James Sourjohn

Trans. from D3188

Cher 10950

C7B

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

In the matter of the application for the enrollment of  
James Sourjohn as a citizen by blood of the Cherokee Nation.

CHEROKEE D-3182.

Char D 3142

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,  
for enrollment as citizens of the Cherokee Nation:

HENRY STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q. What is your name? A. Ernest Starr.  
Q. What is your age? A. Thirty one years.  
Q. What is your post office address? A. Claremore, I. T.  
Q. Are you a citizen by blood of the Cherokee Nation?  
A. Yes sir, I am.  
Q. For whom do you desire to make application for enrollment?  
A. For the following named persons on the 1898 Cherokee roll,  
their families and descendants:  
Nancy Sourjohn #3050 Tahlequah District;  
No. 1 on 1896 roll as Nancy Sour John;  
Jennie Sourjohn #3053 Tahlequah District;  
Lewis Sourjohn #3054 Tahlequah District;  
Lissie Sourjohn #3055 Tahlequah District;  
Levi Sourjohn  
Q. Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A. I desire to apply for the following named persons on the 1880  
Cherokee roll, their families and their descendants:

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.

Subscribed and sworn to before me this December 9, 1902.

*E. C. Bagwell*  
Notary Public.

R  
Cher

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,  
for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q. What is your name? A Emmet Starr.  
Q. What is your age? A Thirty one years.  
Q. What is your post office address? A Claremore, I. T.  
Q. Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q. For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

James Sourjohn, No. 3052, Tahlequah District.

- Q. Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1880  
Cherokee roll, their families and descendants:

E. C. Bagwell, on oath states that as stenographer to the Com-  
mission to the Five Civilized Tribes, he correctly recorded the testi-  
mony 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 December 9, 1902.

(S E A L )

(Signed) B. C. Jones  
Notary Public.

Louise Smith, being sworn, states that as stenographer to the Commis-  
sioner to the Five Civilized Tribes, she made the above copy, and that  
same is a true and complete copy of the original transcript.

*Louise Smith*

Subscribed and sworn to before me this October 13, 1905.

*W. J. White*  
Notary Public.

R.  
Cher. D-3142.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tahlequah, I. T., August 16, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of NANCY SOURJOHN and others as citizens by blood of the Cherokee Nation.

SAMUEL FOREMAN, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Samuel Foreman.  
Q How old are you? A Thirty.  
Q What is your post office address? A Tahlequah.  
Q You are a recognized citizen by blood of the Cherokee Nation?  
A Yes sir.  
Q Do you know Nancy Sourjohn? A Yes sir.  
Q She is a woman now about forty years of age? A Yes sir.  
Q What is her present post office address? A Whitaire.  
Q In what district does she reside? A Goingsnake.  
Q Is Nancy Sourjohn a full blood Cherokee? A Yes sir.  
Q She is a recognized citizen by blood of the Cherokee Nation?  
A Yes sir.  
Q Do you know the name of her father? A Yes sir, Dick Bearpaw.  
Q Is he living? A No sir, he is dead.  
Q Was he a Cherokee by blood? A Yes sir, he is a full blood.  
Q Do you know the name of the mother of Nancy Sourjohn?  
A Sealy Bearpaw.  
Q Is she living? A I could not say whether she is or not. I have not heard for probably a year.  
Q She is a Cherokee by blood? A Yes sir, she is a Cherokee full blood.  
Q How long have you known Nancy Sourjohn? A About eighteen or twenty years.  
Q Has she resided in the Cherokee nation continuously during the time you have known her? A Yes sir.  
Q Has she been married? A Yes sir.  
Q Do you know the name of her husband? A Yes sir, Joe Sourjohn.  
Q Is he living? A No sir.  
Q Did she and Joe Sourjohn have some children? A Yes sir.  
Q What is the name of their oldest child, under twenty-one years unmarried? A James.  
Q I find from the records of the Commission that an application has been made for the enrollment of James, so he would not be enrolled in this application. What is the name of their next child?  
A Jennie.  
Q About how old is that child? A She is fourteen.  
Q What is the name of the next child? A Lewis.  
Q How old is that child? A Twelve years old.  
Q What is the name of the next child? A Lizzie.  
Q How old is that child? A About ten.  
Q What is the name of the next child? A Levi.  
Q How old is that child? A Six years old.  
Q Was Joe Sourjohn a full blood Cherokee? A Yes sir.  
Q Did he reside in Tahlequah District at the time of his death?  
A No sir, in Goingsnake.  
Q Are all these children living now, and living with Nancy Sourjohn?  
A Yes sir.  
Q They are all her children by her husband Joe Sourjohn? A Yes sir.  
Q Was Nancy Sourjohn ever married before she married Joe Sourjohn?  
A I don't think she was.  
Q In what district were the parents of Nancy Sourjohn residing in 1890? A In Goingsnake District.

It is found upon examination of the copy of the 1880 authenticated roll of citizens of the Cherokee Nation, that the parents of Nancy Sourjohn are identified upon said roll. Page 8, #168, Dick Bearpaw, Goingsnake District, age 50.

Page 8, #169, Mallie Bearpaw, Goingsnake District, age 38.

1896 census roll of citizens of the Cherokee Nation examined, and applicants identified thereon as follows:

Page 1243, #3080, Nancy Sourjohn, Tablequah District, age 55.

Page 1243, #3053, Jennie Sourjohn, Tablequah District, age 8.

Page 1243, #3054, Lewis Sourjohn, Tablequah District, age 6.

Page 1243, #3055, Lizzie Sourjohn, Tablequah District, age 4.

-----

Wm. Hutchinson, 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 the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 1st day of September, 1902.

John P. Rossen  
Notary Public.



10750

IN RE  
THE DEATH OF

*James Courjohn*  
a citizen of the

*Cherokee,* Nation

*J.P.*  
Approved *May 15* 1906

*[Signature]*  
Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

MAY 1 1906

*[Signature]*  
COMMISSIONER

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

In the matter of the death of James Soujohm  
(Here insert name of deceased)  
a citizen of the Cherokee Nation, who formerly resided at or near  
5 miles S. E. of Oak Ind. Ter., and died on the 24 day of  
(Here insert name of postoffice) August 1904.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.  
I, Adam Swimmer, on oath state that I am 27  
years of age and a citizen, by blood of the Cherokee Nation;  
that my postoffice address is Moody Ind. Ter.; that I am  
(Here insert name of postoffice.)  
a first cousin of James Soujohm  
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)  
who was a citizen, by blood of the Cherokee Nation;  
and that said James Soujohm died on the 24 day of  
(Here insert name of deceased) August 1904. Adam Swimmer

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this

7th

day of

January

1905.

[Signature]  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.  
I, James W. Duncan, on oath state that I am 47  
years of age, and a citizen by blood of the Cherokee Nation;  
that my postoffice address is Pahlequah Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with James Soujohm  
(Here insert name of deceased)  
who was a citizen, by blood of the Cherokee Nation;  
and that said James Soujohm died on the 24 day of  
(Here insert name of deceased) August 1904. James W. Duncan

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this

7th

day of

January

1905.

[Signature]  
Notary Public.

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

O R D E R.

WHEREAS, on June 30, 1902, Emmet Starr, a citizen by blood of the Cherokee Nation, appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of all persons whose names appear on the 1880 and 1896 Cherokee tribal rolls, their families and descendants, for whom no application had theretofore been made; and

WHEREAS, said application made by the aforementioned Emmet Starr was for the purpose of listing with the Commission within the time prescribed by law, the applications of all persons whose names were found on said tribal rolls, their families and descendants, for whom no application had been made in person or in their behalf.

IT IS HEREBY ORDERED, That when any Cherokee citizen coming within the class affected by the aforementioned "blanket" application and for whom no other application has been made of record with the Commission, appears before the Commission, his or her application shall be

listed on the records of the Commission as of June 30, 1902, and such application shall be considered as made on said date, and the rights of the person adjudicated accordingly.

TAMS BIXBY,  
Chairman.

T. B. NEEDLES,  
Commissioner.

C. R. BRECKINRIDGE,  
Commissioner.

Muskogee, Indian Territory,  
March 30, 1905.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Oaks, I. T. September 26, 1905.

Have Stongleson being duly sworn and  
examined through Simon Kikahingtick, interpreter,  
testify as follows;

Q What is your name

A My name Stongleson

Q What is your age

A About 50 years.

Q What is your Post Office Address

A Oaks, I. T.

Q Are you a citizen by blood of the  
Cherokee Nation

A Yes, I am a fullblood Cherokee.

Q Do you know one James Soujohm  
whose name appears on the 1896 Census roll  
a citizen of the Cherokee Nation and for  
Seal Creek District.

A Yes, he was my son.

Q Is he not living?

A No, he died sometime in October  
1904.

Q What is the name of his father.

A Joe Soujohm.

Q Is he living.

A No, he has been dead about three years.

Q Was he a Cherokee by blood.

A Yes, a full blood Cherokee.

Q Did your son James Sourjohn live continuously in the Cherokee Nation from the time of his birth until the date of his death.

A Yes, he always lived with me, in Gahlegah District Cherokee Nation.

Q He was a recognized citizen of the Cherokee Nation was he?

A Yes.

Q You are now the wife of Loney Goingtonship are you.

A Yes.

Q You lived with Joe Sourjohn until his death about three years ago, did you.

A Yes.

Q At the time the Census Commission was making the roll of Cherokee citizens it appears you were not favorable to enrollment.

A Yes, I was not really opposed but didn't enroll myself.

Q You were ~~not~~ enrolled on the testimony of other people were you.

A. Yes.

Q. You then that is why no application was made for your son James Soujohin's enrollment.

A. Yes.

Q. How old would he have been if living at the present time?

A. About 19 years.

Q. You have other children by your marriage, have you?

A. Yes.

Q. What are their names?

A. Annie, Fannie, Lewis and Lizzie Soujohin, also Levi Soujohin.

Q. Are all of these children on the roll with you?

A. Yes, they are all on the roll.

Witness Annie Soujohin Nancy <sup>her</sup> Soujohin  
with no other person present. — Mark

Subscribed and sworn to before me this 26<sup>th</sup>  
day of September 1905

Simon W. Walbridge  
Notary Public

C7B

Cherokee D-3182.

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

In the matter of the application for the enrollment of  
James Sourjohn as a citizen by blood of the Cherokee Nation.

-0-

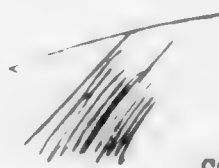
D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That, at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of James Sourjohn as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Oaks, Indian Territory, on September 26, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That James Sourjohn is a full blood Cherokee and is a son of Nancy Sourjohn, who is listed for enrollment on Cherokee card Field No. 10891, and is included in a partial roll of citizens by blood of the Cherokee Nation, approved by the Secretary of the Interior on July 27, 1905, opposite No. 32580.

The evidence further shows that the applicant herein was born in the Cherokee Nation and continuously resided therein from the date of his birth up to and including September 1, 1902, and that he is identified on the 1896 Census Roll of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provision of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), James Sourjohn is entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly granted.



COMMISSIONER.

Dated at Muskogee, Indian Territory,

this           OCT 14 1905



Cherokee D 3139.

COPY.

Muskogee, Indian Territory, October 14, 1905.

W. F. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for the enrollment of James Sour-John as a citizen by blood of the Cherokee Nation.

As you have verbally informed this office that you have the right to file protest in this case, this decision will be considered final.

Respectfully,

Encl. S-239

*Tame Dixie*  
Commissioner.

Cherokee D 3189.

COPY.

Muskogee, Indian Territory, October 14, 1905.

Nancy Goingsleep,

Oaks, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for the enrollment of your minor child, James Sourjohn, as a citizen by blood of the Cherokee Nation.

You are advised that you will not be permitted to make an allotment selection for the said James Sourjohn until his 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 you will be duly notified.

Respectfully,

(SIGNED)

*Tame Bixby.*  
Commissioner.

Incl. 3-238

Cher 10951

Lorinda Micco

Trans. from D.2931

Cher 10951

C7B

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

In the matter of the application for the enrollment of  
Lorinda Micco et al., as citizens by blood of the Cherokee Nation.

CHEROKEE D-2931.

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1902

Class D 2931

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, et al.,  
for enrollment as citizens of the Cherokee Nation:

HERB STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Herbet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

Lorinda Wilby #489 Illinois District  
On 1896 roll as Lorinda Carselowy

- Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1880  
Cherokee roll, their families and their descendants:

-----  
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.

Subscribed and sworn to before me this December 9, 1902.

*E. C. Bagwell*  
*B. C. Jones*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., November 3, 1902.

In the matter of the application of Lorinda Carselowry  
(Willy) for enrollment as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JOHN ISRAEL, being sworn, testified as follows:

By the Commission,

- Q State your name. A John Israel.  
Q You are twenty-nine years of age? A Yes, sir.  
Q Your postoffice is Braggs, Indian Territory? A Yes, sir.  
Q Are you a recognized citizen by blood of the Cherokee Nation?  
A Yes, sir.  
Q You have been employed by this Commission as an interpreter?  
A Yes, sir.  
Q Do you know Lorinda Carselowry? A Yes, sir, I saw her several  
times.  
Q Is she a Cherokee by blood? A I think she is.  
Q Has she the appearance of a Cherokee by blood? A Yes, sir.  
Q About how much Cherokee blood does she appear to have? A She  
appears to be half blood.  
Q Does she pass for a half blood? A I think she does.  
Q Is she living at this time? A Yes, sir, she was a few days  
ago.  
Q She was living on the first day of September, 1902? A Yes,  
sir.  
Q What is her postoffice address? A Campbell. She is about  
half way between Campbell and Braggs, but I think they go to Campbell  
Q Does she reside in Illinois District? A Yes, sir.  
Q Do you know the name of her father? A If I am not mistaken  
his name is John Eagle.  
Q Is he living? A Yes, sir.  
Q Is he a Cherokee by blood? A He looks to be a half blood.  
Q Do you know the name of the mother of Lorinda Carselowry?  
A No, sir.  
Q Do you know whether or not she is living? A Her mother?  
Q Yes. A No, sir, I don't.  
Q In what District does John Eagle reside? A Sequoyah.  
Q How long have you known Lorinda Carselowry? A Why, I expect  
about six or eight years.  
Q About how long? A Six or eight years.  
Q Has she resided in the Cherokee Nation continuously during the  
time you have known her? A Yes, sir.  
Q And have you seen her lately? A Not for a few weeks; I might  
as well say not lately.  
Q Have you seen her since the first day of September, 1902?  
A No, sir, but I have been right in the neighborhood of where she  
was living, and I have heard from her.  
Q Does she belong to a class of full bloods who are opposing the  
matter of enrollment? A Yes, sir.  
Q Have you ever heard her rights as a citizen by blood of the  
Cherokee Nation questioned? A No, sir.  
Q Is she married? A Yes, sir.  
Q What is the name of her husband? A Creek Willy is the only  
name I ever knew him by.

- Q Have they some children? A Yes, sir.  
Q Do you know their names? A No, sir.  
Q Does Creek Willy reside in the Cherokee Nation? A Yes, sir.  
Q Is he a citizen of the Creek Nation? A I could not say.  
Q Is he a Creek Indian by blood? A I think he is.  
Q Then the present name of Lorinda Carselowry is Lorinda Willy, is it? A I guess that's the popular way she would go, that's her husband's name.  
Q Do you know how long Creek Willy has resided in the Cherokee Nation? A No, sir.  
Q Is he recognized as a citizen of the Cherokee Nation? A I think he is.  
Q How far do you live from them? A Oh, about six miles.  
Q How long have you known of his residing in the Cherokee Nation? A Eight or ten years.  
Q Has he resided there continuously during the time you have known him? A Yes, sir.  
Q Do you know whether or not he has drawn money from the Cherokee Nation? A No, sir, I don't.  
Q You don't know whether he has or not? A No, sir.  
Q Do you know whether Lorinda Willy is a Creek Indian by blood? A I think she's a Cherokee.  
Q She has no Creek blood at all, to your knowledge? A Not that I know of.  
Q Does she speak the Cherokee language? A Yes, sir.  
Q Does Creek Willy speak the Cherokee language? A Yes, sir.  
Q Does he also speak the Creek language? A Yes, sir.  
Q Do you know whether or not Creek Willy and his family have been enrolled as citizens of the Creek Nation? A No, sir, I don't.

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 6th day of November, 1902.

B. C. Jones  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., OCTOBER 11, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of LORINDA WILLY ET AL., as citizens by blood of the Cherokee Nation.

LORINDA WILLY, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Lorinda Willy.  
Q What is your age? A About 32.  
Q What is your post office? A Braggs.  
Q What District do you live in? A Illinois.  
Q Are you a full blood Cherokee? A Yes sir.  
Q Were you born in the Cherokee Nation? A Yes sir.  
Q Have you lived there all your life? A Yes sir.  
Q What was your father's name? A Jim Carselowey.  
Q Is he dead? A No sir.  
Q What District does he live in? A Sequoyah District.  
Q What is your mother's name? A Sarah Ann Seabolt.  
Q What was her name when you were born? A Sarah Ann Polecat.  
Q Is she dead? A Yes sir.  
Q What District does she live in? A Sequoyah.  
Q Are you married? A No sir.  
Q Have you ever been married? A Yes sir.  
Q What was your husband's name? A Jim Swimmer.  
Q Is he dead? A Yes sir.  
Q Was he a full blood Cherokee? A Half breed.  
Q What District did he live in? A Illinois.  
Q Did you have any children by him? A Yes sir, two.  
Q Are they both living? A Yes sir.  
Q What are their names? A Lizzie.  
Q How old is Lizzie? A going on 11.  
Q What is the next one? A Ned.  
Q How old is Ned? A 9.  
Q Were you ever married again? A I married Creek Willy.  
Q Is he dead? A Yes sir.  
Q Was he a Cherokee? A No sir, he was a Creek.  
Q Did you have any children by him? A Yes sir.  
Q What are their names? A Jim.  
Q Jim Willy? A Yes sir.  
Q How old is Jim? A Going on 5.  
Q What is the next one? A Bessie.  
Q Is she living? A Yes sir.  
Q How old is she? A Going on 3.  
Q When was Bessie born,--what month? A April.  
Q What year? A I don't know.  
Q Will it be three years this next April? A Yes sir.  
Q Two years last April? A Yes sir.  
Q This child is going on three? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q You never made your home anywhere else? A No sir.  
Q You always been recognized as a Cherokee by blood? A Yes sir.  
Q Your husband, Creek Willy, was a Creek citizen was he? A Yes sir.  
Q Were you ever enrolled as a citizen of the Creek Nation? A No sir.

Q Ever draw any money or receive an allotment in the Creek Nation?  
A Willw ddd, I didn't.

The applicant's two older children are listed for enrollment on Cherokee card field No. 7603 as Lizzie and Edward Swimmer and their names appear upon a schedule of Cherokees by blood opposite Nos. 28405 and 28406.

Q Are all of your children living at this time? A Yes sir.  
Q Your husband has been identified as a citizen of the Creek Nation, his name appears on Creek schedule approved by the Secretary of the Interior opposite No. 998L as Willie Mulwar Micco. Was Micco his Creek surname? A yes sir.  
Q Is that your name now, Micco? A Yes sir.  
Q Do you desire to be placed on the Cherokee roll as Lorinda Micco or Lorinda Willy? A Lorinda Micco.  
Q You want your child enrolled as Jim Micco, do you? A Yes sir.

The applicant is identified on the 1880 authenticated roll of citizens of the Cherokee Nation, page 713, No. 987, as Lorinda Polecat, Sequoyah District, Native Cherokee, 9 years of age. She is identified on the 1896 Census roll, page 851, No. 489 as Lorinda Carselowry, Illinois District.

Q If it should be found that your children or any of them are entitled to enrollment in both the Cherokee and Creek Nations, in which nation do you elect to have them enrolled and to receive their allotments of land? A In the Cherokee Nation.

-----oOo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lessley*

Subscribed and sworn to before me this 11th day of October, 1905.

*Myra White*

Notary Public.

C7B

Cherokee D-2931.

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

In the matter of the application for the enrollment of  
Lorinda Micco et al., as citizens by blood of the Cherokee Nation.

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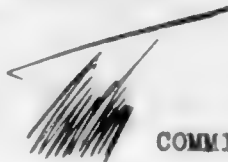
D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Lorinda Carselowry, her family and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 11, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That prior to September 1, 1902, the applicant, Lorinda Carselowry, was married to Willie Tulwar Micco, deceased, a citizen by blood of the Creek Nation, and she will now be listed for enrollment as Lorinda Micco.

The evidence further shows that Lorinda Micco is a Cherokee by blood; that she has continuously resided in the Cherokee Nation since birth, and is duly identified on the Cherokee Authenticated Tribal Roll of 1880 and the Census Roll of 1896; that she has a son, Jim Micco, who was born prior to September 1, 1902, the issue of her marriage to the said Willie Tulwar Micco, for whom she elected, on October 11, 1905, to be enrolled and receive allotment of land and distribution of moneys in the Cherokee Nation. The said Jim Micco is too young to appear on any roll, having been born since the 1896 roll was made, but is duly identified by birth affidavit filed herewith and made a part of the record herein.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provision of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), Lorinda Micco and Jim Micco are entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly granted.



COMMISSIONER.

Dated at Muskogee, Indian Territory,

this            OCT 14 1905

Case 10951

217

IN RE  
Application for Enrollment of  
INFANT CHILD

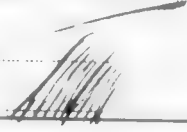
*Jim Miceo*

as a citizen of

*Cherokee*

Nation.

Approved **OCT 11 1905** 190



Commissioner

Application for the enrollment  
of the within and child of the  
June 30, 1902.

*Jim*

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

OCT 11 1905



COMMISSIONER

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Jim Micco (Here insert name of child) born on the 7 day of Jan'y, 1901  
Name of Father: Great Micco a citizen of the Cherokee Nation.  
Name of Mother: Lonida Micco a citizen of the Cherokee Nation.  
Postoffice: Bragg, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Western DISTRICT }

I, Lonida Micco, on oath state that I am 32  
years of age and a citizen by blood of the Cherokee Nation;  
that I am the lawful wife of Willie Pulwar Micco, who is a citizen, by  
blood of the Cherokee Nation, that a Male child was  
born to me on 7 day of January, 1901; that said child has been named  
Jim Micco, and is now living  
Lonida Micco

WITNESSES TO MARK:

(Must be Two Witnesses) { Geo. H. Linsley  
W. M. Phillips

Subscribed and sworn to before me this 11 day of October, 1905.

Bruce Jones  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT }

I, \_\_\_\_\_, on oath state that I  
attended on Mrs \_\_\_\_\_, wife of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1905; that there was born to her on said date a \_\_\_\_\_  
child, that said child was living March 4, 1905, and is said to have been named \_\_\_\_\_  
(Male or Female.)

WITNESSES TO MARK

(Must be Two Witnesses) {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1905.

Notary Public.

Blank 715

Cherokee Nation Cherokee Roll Card No. 10951

<u>Dawes Roll No.</u>	<u>Name</u>	<u>Age</u>	<u>Sex</u>	<u>Blood</u>
32779	Micoo, Lorinda	27	F	Full

Date of Application  
for Enrollment

July 1, 1902

DEPARTMENT OF THE INTERIOR  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES  
Muskogee, Oklahoma.

December 6, 1938.


This is to certify that I am the Officer having custody of the records pertaining to the enrollment of the members of the Choctaw, Chickasaw, Cherokee, Creek and Seminole Tribes of Indians, and the disposition of the land of said Tribes, and that the above and foregoing is a true and correct copy of Cherokee Census Card No. 10951, in so far as it shows the age and date of application for enrollment of the person or persons named above, which date appears in the lower right hand corner of said Card.

A. M. LAVDNA  
Superintendent,

12-M

1937

(Age given as of July 1, 1902.)

  
Clerk  
CHEROKEE  
DEC 6 1938  
Records

COMMISSIONERS  
TAMM BIXBY,  
THOMAS S. NEEDLES,  
C. E. BRACKINRIDGE,  
WM. O. BEALL,  
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

Cherokee-D-2951.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. January 25, 1905.

Lorinda Willy,

Campbell, Indian Territory.

Dear Madam:

In the matter of the application for your enrollment as a citizen of the Cherokee Nation, you are advised that, before the Commission can determine your right as such citizen, it will be necessary that you appear before the Commission, at Muskogee, Indian Territory, and testify relative to your rights as such citizen.

As this matter is very important, please give it your immediate attention.

Respectfully,



Chairman.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKENRIDGE.

WM. O. BRALL,  
Secretary

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

*J.P.*

REFER IN REPLY TO THE FOLLOWING:

Tahlequah, Indian Territory, April 18, 1905.

Linda Maco,  
(Care J. J. Patrick)  
Braggs, Indian Territory.

Dear Madam:-

In reply to your letter of April 3, you are advised that a further and diligent search has been made of the Commission's records and no record can be found of any application ever having been made to it for your enrollment as a citizen of the Cherokee Nation. Inquiries have also been made of persons appearing before the Commission as to the name under which any application was ever made for your enrollment. It will, therefore, be necessary for you to appear before the Commission in order to definitely ascertain whether any application has ever been made for your enrollment as a citizen of the Cherokee Nation, in order that the matter of the designation of land as the allotments for the members of your family may receive the proper consideration. As this matter is of importance you should give it your earliest attention.

Respectfully,

Commissioner in Charge  
Cherokee Land Office,



J. J. PATRICK,

DEALER IN

GENERAL MERCHANDISE AND  
LIVE STOCK.

BRAGGS, I. T., April 3 1904

Dear Mr. R. Brackmidge

Commissioner in Charge

My wife's letter received and will  
say that I was held at Fort Smith  
about three years ago under the  
name of Linda Black as my  
husband. He was a drunk. I did not  
use my father's name, James  
Hamilton. I should be glad to be  
satisfactory to you. Please let  
me hear from you. I will try  
to go if you would go now but I  
have not your address.

I would have been  
with you.

J. J. Patrick

Please write me at Bragg  
I. T. J. J. Patrick

COPY.

Cherokee-D-2931-  
2974.

Muskogee, Indian Territory, May 1, 1905.

Lorinda Willy,

Care of J. J. Patriok,

Braggs, Indian Territory.

Dear Madam:

In the matter of the application made for your enrollment, and also for the enrollment of Mariah Willy, as citizens by blood of the Cherokee Nation, you are advised that, before the Commission can determine your rights as such citizens, it will be necessary that you appear in person before the Commission, at its offices in Muskogee, Indian Territory, and testify relative to your rights.

There has never been a personal appearance in this case, and, as it is very important, it should receive your prompt attention.

Respectfully,

(SIGNED) *Tamc Dixby.*

Chairman.

Cherokee D 2931.

Muskogee, Indian Territory, September 23, 1905.

Linda Maco,

Care of J. J. Patrick,

Braggs, Indian Territory.

Dear Madam:

In further reference to the application which you claim was made to the Commission to the Five Civilized Tribes for your enrollment as a citizen of the Cherokee Nation, you are requested to advise this office what is the name of your husband, who, you claim, made application for your enrollment at Garfield, Indian Territory. This office has been informed that he was some times called Creek Willy, and you are requested to advise whether or not this information is correct. You should also give his Indian, as well as his English name, and the different names by which he has been known in the past.

As this matter is important, you are directed to give it your immediate attention.

Respectfully,

LS

Acting Commissioner.

Cherokee # 2231.

COPY

Muskogee, Indian Territory, October 14, 1905.

Lorinda Nicco,

Beagles, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, in reply to the application for the enrollment of yourself and minor child, Jim Nicco, as citizens by blood of the Cherokee Nation.

You are advised that you will not be permitted to make allotment selections for yourself and child until your names have been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

SIGNED.

*Tame Birby.*  
Commissioner.

Incl. 9-235

Cherokee Nation.

Muskogee, Indian Territory, October 14, 1905.

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for the enrollment of Lorinda and Jim Micco as citizens by blood of the Cherokee Nation.

As you have verbally informed this office that you waive right to file protest in this case, this decision will be considered final.

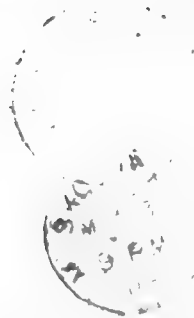
Respectfully,

(SIGNED)

*James Fixby.*  
Commissioner.

Incl. S-236





111

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.



Wanda ...

Sumner ...



Cher 10952

Corah B. Ward

Trans. from D3074

Cher 10952

C7B

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

In the matter of the application for the enrollment of  
Corah B. Ward as a citizen by blood of the Cherokee Nation.

CHEROKEE D-3074.

R  
Cher D 3074

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLITT, et al.,  
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emmet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Clarendon, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

Coral B. Ward #1531 Sequoyah District.

- Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1896  
Cherokee roll, their families and their descendants:

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

Subscribed and sworn to before me this December 9, 1902.

*E. C. Bagwell*  
*B. C. Jones*  
Notary Public.

R  
Cher. D-3074.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tahlequah, I. T., August 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of CORAH B. WARD as a citizen by blood of the Cherokee Nation.

GEORGE W. BETHEL, being first duly sworn, and being examined, testified as follows:

- BY-COMMISSION: What is your name? A George W. Bethel?  
Q How old are you? A Thirty-six.  
Q What is your post office address? A Muldrow.  
Q You are a recognized citizen by blood of the Cherokee Nation?  
A Yes sir.  
Q Do you know Corah B. Ward? A Yes sir, I knew her when she was a little child.  
Q The 1896 roll shows that she is now twelve years old. Do you think that is correct? A Yes sir, that is correct. I have been married ten years, and she was two years old then.  
Q Do you know her present post office address? A No sir, I do not I don't know where her mother went with her.  
Q Is Corah B. Ward a citizen of the Cherokee Nation. A Her father is a citizen of the Cherokee Nation--said to be her father, George O. Ward. Her mother was a white woman  
Q Do you know the name of her mother? A No sir, I cant call it.  
Q Is George O. Ward living? A Yes sir.  
Q Is he a Cherokee by blood? A Yes sir.  
Q In what district does e live? A Sequoyah District.  
Q Was George O. Ward married to the mother of Corah B. Ward?  
A No sir, he was not.  
Q Did they live together as husband and wife? A No sir, never did.  
Q Was the mother of Corah B. Ward ever recognized as a citizen by internmarriage or otherwise of the Cherokee Nation? A No sir.  
Q Do you know where the mother of Corah B. Ward resides now?  
A No sir, ' do not.  
Q Is t is child living with her? A I could not tell, I have not seen it for ten years.  
Q Has the child lived with its father, George O. Ward?  
A No sir, never stayed with him a day.  
Q Did he ever recognize the child as his? A He claimed it and drew its strip money.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

No. 1531, Corah B. Ward, Sequoyah District, age 6.

1894 roll, Page 1008, #1506, Cora B. Ward, Sequoyah District.

- Q Do you know whether George O. Ward was ever married before the birth of this child, Corah B. Ward? A No sir, he was not.  
Q Do you know whether the mother of the child was ever married?  
A No sir, she was a single girl.  
Q They were never recognized in the community as husband and wife?  
A No sir.

D-374---2.

Wm. Hutchinson, 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 the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 11 day of August, 1902.

John P. Pessen  
Notary Public.

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**FILED**  
APR 29 1905  
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
CHEROKEE ENROLLMENT FIELD PARTY.  
SALLISAW, I. T., APRIL 3, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CORAH B. WARD, as a citizen by blood of the Cherokee Nation.

EDMUND FLEETWOOD, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Edmund Fleetwood.
- Q What is your age? A 60.
- Q What is your post office address? A Hanson? I. T.
- Q Do you know a child by the name of Corah B. Ward? A I do, or did at the time she was here.
- Q About how old is this Corah B. Ward to whom you refer? A About fifteen.
- Q In what District did she live when you knew her? A Sequoyah.
- Q Would she be on the 1896 Census Roll, in Sequoyah District? A Yes sir.
- Q Do you know the name of her mother? A No sir, I don't she was a white woman, and didn't stay very long, and went away.
- Q Do you know the name of her father? A Yes sir, G. O. Ward.
- Q Do you know where this Corah B. Ward is at present? A The last account I had of her she lived just beyond Spiro in the Choctaw country, and has resided there ever since she was two or three years old.
- Q When was the last time you saw this Corah B. Ward? A About 10 years ago since I had any talk with her.
- Q Is this the only Corah B. Ward you ever knew in Sequoyah District? A It is the only one I have any recollection of.
- Q Do you know whether she is living or dead? A I do not know whether she is either alive or dead.
- Q To the best of your information she has not lived in the Cherokee Nation for 7 or 8 years? A Yes sir, 8 or 10 years.
- Q Was this Corah B. Ward, to whom you refer, a recognized citizen of the Cherokee Nation? A She was at the time she was put on the '94 roll, or she couldn't have drawn her money.
- Q Was her mother a citizen of the Cherokee Nation? A No sir, not at all, just a floating woman.
- Q Was this Corah B. Ward's father a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Do you know whether or not the mother of this child and her father were ever married? A No sir, they were not married.
- Q This Corah B. Ward is an illegitimate child then, is she? A Yes sir.
- Q To the best of your information she has not been in the Cherokee Nation for 8 or 10 years? A 8 or 10 years.
- Q How long have you lived in sequoyah District? A All my life.

Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.

The applicant is identified on the 1896 Cherokee Census Roll, Sequoyah District, No. 1531, and is listed for enrollment from information on Cherokee D-3074.

-----oOo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lessley*

Subscribed and sworn to before me this 29th day of April, 1905.

*Myron White*

Notary Public.



**FILED**  
MAY -2 1905  
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
CHEROKEE ENROLLMENT FIELD PARTY.  
SALLISAW, I. T., APRIL 5, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CORAH B. WARD as a citizen by blood of the Cherokee Nation.

G. O. WARD, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A G. O. Ward.  
Q What is your age? A 42.  
Q What is your post office address? A Sallisaw, I. T.  
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.  
Q Are you on the 1880 Roll, Sequoyah District? A Yes sir, I am on the 1880 Roll as G. A. Ward, but my name is G. W. Ward.  
Q You were in Sequoyah in 1880 were you? A Yes sir.  
Q Do you know a child by the name of Corah B. Ward? A Yes sir.  
Q What is the name of the mother of that child? A Her name is Lizzie Bostic.  
Q Who is the father of that child? A She swore it to me, I suppose I am.  
Q Is this child living at present? A Yes sir.  
Q Where is it living? A Pacola, Choctaw Nation, Indian Territory.  
Q Was the mother of this child a citizen by blood of the Cherokee Nation? A No sir, a white woman.  
Q Was this child born in the Cherokee Nation? A Yes sir.  
Q How long did she live in the Cherokee Nation? A Until she was something over a year old.  
Q Where was her mother living prior to the birth of the child?  
A She was living in the Cherokee Nation prior to the birth of the child, for something over a year before the child was born.  
Q Where had the mother of this child been living before that?  
A Conway County, Arkansas.  
Q Was her residence in the Cherokee Nation when the child was born?  
A Yes sir before the child was born.  
Q Did she own any property of any kind in the Cherokee Nation?  
A Not that I know of, she was living with her married sister.  
Q Who was her married sister? A Mrs. J. N. Adams.  
Q Since you knew her in the Cherokee Nation before this child was born has she lived outside of the Indian Territory to the best of your information? A Yes sir, she lived in Fort Smith 3 or 4 months.  
Q When was that? A In 1895.  
Q When was this child born, this Corah B. Ward? A I think in about 1894, I think so, I am not positive.  
Q Do you know whether or not it is on the 1894 payment roll? A  
A Yes sir it is on that payment roll, it was something about a year old at that time.  
Q The mother of the child with the exception of her 4 months stay in Fort Smith has been living continuously in the Cherokee Nation and Choctaw Nation since you first knew her? A Yes sir.  
Q Where is her present residence, in the Choctaw Nation? A Yes sir.  
Q Her residence has been in the Indian Territory continuously, Choctaw Nation and Cherokee Nation together, since your first knew her? A Yes sir.  
Q She didn't establish any residence in the State of Arkansas while there did she? A No sir, she just hired out.  
Q Has she any permanent home? A No sir.

- Q Just lives from place to place where she can? A Yes sir.
- Q To the best of your information does she regard the Indian Territory as her residence? A I have got a letter from her, if I had it could explain it better, but I haven't got the letter with me. She explains to me that she is making her permanent home at Paocola, Choctaw Nation, and also solicits me to take possession of this child.
- Q Her residence was in the Cherokee Nation at the time the child was born? A Yes sir.
- Q And she has since that time taken up her residence in the Choctaw Nation? A Yes sir.
- Q Did you draw the strip payment money for this Corah B. Ward? A Yes sir.
- Q How much was that? A \$265.65.
- Q Was this child and her mother living in the Cherokee Nation at that time? A No sir, they were living in Fort Smith at that time.
- Q That was during the 4 months stay of this woman in Fort Smith? A Yes sir.
- Q This Corah B. Ward is your child and she is a recognized citizen by blood of the Cherokee Nation? A Yes sir, she has participated in two payments in the Cherokee Nation.
- Q You were never married to the mother of this child? A No sir.
- Q Your name appears on the 1880 Roll as George A. Ward? A On the 1880 Roll as George A. Ward, they made a mistake.
- Q You have been finally enrolled by the Commission and have taken your allotment of the lands of the Cherokee Nation as a citizen by blood? A Yes sir.

The applicant is identified on the 1896 Cherokee Census Roll, Sequoyah District, No. 1531, and is listed for enrollment from information on Cherokee D-3074. The father of the applicant George O. Ward, is identified on the 1880 Cherokee Tribal Roll, Sequoyah District, No. 1421, as George A. Ward.

-----oOo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lessley*

subscribed and sworn to before me this 1st day of May, 1905.

*Missouri White*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES,  
 CHEROKEE LAND OFFICE.

Tahlequah, I. T., May April 21, 1905.

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In the matter of the application of Corah B. Ward for the enrollment of herself as a citizen of the Cherokee Nation by blood. No. D-3074.

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GEORGE O. WARD, being duly sworn and examined by the Commission, testified as follows:---

- Q What is your name? A George O. Ward.  
 Q How old are you? A I'm 42 years old.  
 Q What is your post-office? A Sallisaw, Indian Territory.  
 Q Are you a Cherokee by blood? A Yes sir.  
 Q What is the name of your present wife? A Minnie Bullock.  
 Minnie Lee Ward.  
 Q She's a white woman? A Yes sir.  
 Q Were you ever married before you married her? A Yes sir.  
 I married Alma Bullock.  
 Q Is she living? A No, she's dead.  
 Q Was she a citizen of the Cherokee Nation? A No, only by marriage.  
 Q Did you and she have any children? A One.  
 Q What was it's name? A Nina.  
 Q Did you ever have any children before Nina? A One.  
 Q What was its name? A Corah B.  
 Q Is that child living? A Yes sir.  
 Q With whom does it live? A Lives with its mother.  
 Q What is her name? A Her name is Lizzie Johnson.  
 Q Is she living? A Yes sir.  
 Q Is she a citizen of the Cherokee Nation? A No sir, she's a non citizen.  
 Q Were you and she ever married? A No sir.  
 Q Did you live together? A No sir, we never lived together.  
 Q Have you always recognized Corah B. as being your child?  
 A Yes sir.  
 Q Have you any reason to believe that it is not your child?  
 A No sir.  
 Q Did the mother always say it was your child? A Yes sir,  
 and also swore it too before the Judge of the District.  
 Q Has the child ever drawn money from the Cherokee Nation?  
 A Yes sir. Drew in two payments; Strip Payment and one before that.  
 Q Who drew the Strip money? A I did.  
 Q Has Lizzie Johnson continued to live in the Cherokee Nation continuously since this child was born? A No sir. She's lived most of the time in the Choctaw Nation from the time the child was 3 years old, and a while in Fort Smith.  
 Q She's not a citizen of the Cherokee Nation? A Her name was Sostic and she married a fellow named Johnson, and after she married she lived first one place and then another and I cant keep up with her. Maybe they will be gone for six months or and year and they live at Pacola, Choctaw Nation now.

- Q Since she lived here when the child was about 3 years of age, has she ever returned to the Cherokee Nation? A She went to Claremore and stayed there a while, and the next time I heard from her she was back up there.
- Q You don't know when it was she was at Claremore? A No sir, I don't.
- Q Has she had this child with her all the time? A As far as I know, she has.

---

Joe Chambers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Subscribed and sworn to before  
me this 25th day of May, 1905.

Joe Chambers  
Samuel Foreman  
Notary Public.

C/B

Cherokee D-3074.

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

In the matter of the application for the enrollment of  
Corah B. Ward as a citizen by blood of the Cherokee Nation.

--0--

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Corah B. Ward as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on August 13, 1902, at Sallisaw, Indian Territory, on April 3 and April 5, and at Tahlequah, Indian Territory, on April 21, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein is the illegitimate daughter of George O. Ward, whose name appears upon the Authenticated Cherokee Tribal Roll of 1880 and is included in a partial roll of citizens by blood of the Cherokee Nation approved by the Department on November 5, 1902, opposite No. 3174, and Lizzie Johnson, nee Bostic, a non-citizen white woman; that said applicant was born in the Cherokee Nation and has continuously resided with her mother within the domain of the Five Civilized Tribes since birth. Said applicant is duly identified on the 1896 Census Roll of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provision of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), Corah B. Ward is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.



COMMISSIONER.

Dated at Muskogee, Indian Territory,

this

                     OCT 1 1906

C. D. 3074

Received April 4, 1905.

Lesley, George H.,  
Salisbury, I.T.,  
Cherokee Nation,  
April 3, 1905.

Report of Field Party.

Cherokee Enrollment.

Sallisaw, Indian Territory, April 3, 1905.

Commission to the Five Civilized Tribes,  
(Cherokee Enrollment Division),  
Muskegee, Indian Territory.

Gentlemen:

Since our last report we have taken testimony in the following cases:

C.D. 2520, Daniel B. Lee, which shows the applicant to have died prior to September 1, 1902.

C.D. 3051, Maggie Collins, which shows the applicant to have died prior to September 1, 1902.

C.D. 3074, Corah P. Ward, which shows that the applicant was taken to the Choctaw Nation when she was a small child.

C.D. 2145, Polly Cordrey, which shows that the applicant died prior to September 1, 1902.

Respectfully,

George H. Lessley.



Sallisaw, Indian Territory, April 5, 1905.

Commission to the Five Civilized Tribes,  
(Cherokee Enrollment Division),  
Muskegee, Indian Territory.

Gentlemen:

Since our last report testimony has been taken in the following cases:

C D 3063 William Brackett, which shows the applicant to be living, and temporarily in the State of Texas.

C D 3074 Corah B. Ward, which shows the applicant to be living in the Choctaw Nation and the descendant of a person on the 1880 Cherokee Tribal Roll.

C D 2216 John Sanders, which shows this card to be a duplicate.

C D 2130 Jennie Broken, which shows that the applicant died prior to September 1, 1902.

C D 2174 Mary Ann Hood, which shows that the applicant died prior to September 1, 1902.

C D 2236 Jack Zunt, which shows that the applicant died prior to September 1, 1902.

Respectfully,

(Signed) Fred F. Bransen.

Cherokee D 3074.

COPY

Muskogee, Indian Territory, October 14, 1905.

George O. Ward,

Sallisaw, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for the enrollment of your minor child, Corah B. Ward, as a citizen by blood of the Cherokee Nation.

You are advised that you will not be permitted to make an allotment selection for the said Corah B. Ward until her 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 notified.

Respectfully,

SIGNED:

*Tamo Sivins*

Commissioner.

Incl. 2-253

Muskogee, Indian Territory, October 14, 1905.

W. V. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 14, 1905, granting the application for the enrollment of Corah B. Ward as a citizen by blood of the Cherokee Nation.

As you have verbally informed this office that you waive right to file protest in this case, this decision will be considered final.

Respectfully,

SIGNED.

*Jame Lixby.*  
Commissioner.

Incl. S-234

Cher 10953

Mirah, A. Faucette

Trans. from D866

Cher 10953

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of

MIRAH A. FAUCETTE

as a citizen by blood of the Cherokee Nation.

CHEROKEE D. 866.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tahlequah, I. T., November 28, 1900.

In the matter of the application of Mirah A. Faucette for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Mirah A. Faucette.  
Q What is your age? A 34.  
Q What is your postoffice address? A Tahlequah now.  
Q What district do you live in? Tahlequah district? A Yes sir.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.  
Q By blood? A Yes sir.  
Q Who do you desire to enroll? A Just myself.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Edgar Faucette.  
Q Is he a non citizen? A Yes sir.  
Q What was your name before you married? A Allen.  
Q When were you married? A Four years I have been married.  
Q What is your father's name? A D. W. Allen.  
Q He living? A Yes sir.  
Q What is your mother's name? A Mary.  
Q She living? A She is.  
1880 roll; page 58, #4, Marriah Allen, Cooweescoowee.  
1896 roll; page 101, #89, Marriah Allen, Cooweescoowee.  
Q Is Mr. Faucette your first husband? A Yes sir, and last one.  
Q You his first wife? A Yes sir.  
Q Have you always lived in the Cherokee Nation? A Up to the time I married.  
Q Living there now? A It is my home; the only home I have.  
Q Where do you live? A I live in Fort Smith.  
Q How long have you lived in Fort Smith? A Part of the time, off and on; most of the time with my father.  
Q Keeping house there? A Light house-keeping.  
Q You have made your home in Fort Smith since you were married in 1896? A No sir, not altogether.  
Q Were you born in the Cherokee Nation? A Yes sir.  
Q Lived all your life in the Cherokee Nation until you were married? A Yes sir.  
Q Since you were married you live in Fort Smith? A Lived here part of the time with my parents.  
Q Your husband live with your parents? A He goes back and forth wherever he is at work.  
Q Where were you living three years ago? A I guess in Fort Smith.

By W. W. Hastings-

- Q Your husband is a plumber? A Yes sir; he takes contracts and goes wherever he gets work.

Commissioner Needles-

The name of Mirah A. Faucette is found upon the authenticated roll of 1880 by her maiden name, Marriah Allen, also found upon the Census roll of 1896 as Marriah Allen. She avers that she was married to one Edgar Faucette in the year 1896, and since that time her permanent residence has not been the Cherokee Nation. She is duly identified upon the rolls; but by reason of conflicting testimony as to her residence, final judgment as to the enrollment of the said Mirah Faucette will be suspended, and her name be placed upon a doubtful card.

E. G. Rotheberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported correctly the testimony and proceedings in the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 28th day of November, 1900.

B

I 866

TO THE FILE  
**FILED**  
NOV 28 1900

*[Handwritten signature]*

# CHEROKEES BY BLOOD AND ADOPTION.

Date *July 10 1900*

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship *Full*

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name *M. C. ...*

District

*COOKE*

Year *1900*

Page

No.

Citizen by blood *Full*

Mother's citizenship

Intermarried citizen *no*

Married under what law

Date of marriage

License

Certificate

Names of Children:

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

*16 ...* *March 1899*



Supl.-C.D.#866.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of MIRAH A. FAU-  
CETTE as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 11th day of March, 1902, called and failing to respond, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

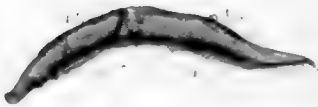
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I, J. O. Roason, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceeding has this day in the above case, and that the foregoing is a true and complete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

*J. O. Roason*

7

The following is a list of the  
 names of the persons who  
 were present at the meeting  
 held at the residence of  
 Mr. J. H. Smith on the  
 15th day of June 1884.  
 The names are as follows:  
 Mr. J. H. Smith  
 Mr. W. B. Smith  
 Mr. C. B. Smith  
 Mr. D. B. Smith  
 Mr. E. B. Smith  
 Mr. F. B. Smith  
 Mr. G. B. Smith  
 Mr. H. B. Smith  
 Mr. I. B. Smith  
 Mr. J. B. Smith  
 Mr. K. B. Smith  
 Mr. L. B. Smith  
 Mr. M. B. Smith  
 Mr. N. B. Smith  
 Mr. O. B. Smith  
 Mr. P. B. Smith  
 Mr. Q. B. Smith  
 Mr. R. B. Smith  
 Mr. S. B. Smith  
 Mr. T. B. Smith  
 Mr. U. B. Smith  
 Mr. V. B. Smith  
 Mr. W. B. Smith  
 Mr. X. B. Smith  
 Mr. Y. B. Smith  
 Mr. Z. B. Smith



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 Mr. H. B. Smith  
 Mr. I. B. Smith  
 Mr. J. B. Smith  
 Mr. K. B. Smith  
 Mr. L. B. Smith  
 Mr. M. B. Smith  
 Mr. N. B. Smith  
 Mr. O. B. Smith  
 Mr. P. B. Smith  
 Mr. Q. B. Smith  
 Mr. R. B. Smith  
 Mr. S. B. Smith  
 Mr. T. B. Smith  
 Mr. U. B. Smith  
 Mr. V. B. Smith  
 Mr. W. B. Smith  
 Mr. X. B. Smith  
 Mr. Y. B. Smith  
 Mr. Z. B. Smith

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., October 23, 1902.

In the matter of the application of Mirah A. Fawcett for enrollment as a citizen by blood of the Cherokee nation.

D. M. Allen, called as a witness in the above entitled case, and being duly sworn and examined by the Commission, testified as follows:

- Q Your name is D. M. Allen? A Yes sir.  
Q How old are you? A Sixty Three years.  
Q What is your postoffice address? A Tahlequah, I.T.  
Q Are you a Cherokee citizen? A Yes sir.  
Q Do you know Mirah A. Fawcett? A Yes sir.  
Q How long have you known her? A Since her birth.  
Q Has she been living in the Cherokee nation since her birth? A Yes, that is, she has been with me when I was at Eureka Springs with the church there; the conference sent me there; I was sent out there by the Presbyterian church; during that time she was with me; about three years.  
Q Keeping house for you? A No, - I was keeping house.  
Q You are her father? A Yes sir.  
Q Is she married now? A She is.  
Q When did she marry? A Been a little over four years.  
Q What is her husband's name? A Edgar Fawcett.  
Q Tell me where she has lived from her birth up? How long did she live in the Cherokee nation? A She lived in the Cherokee nation until 1893, I guess it is.  
Q Continuously? A Yes sir, and I was there at Eureka Springs for three years in charge of that work; I came back to the Cherokee nation and have been living here ever since.  
Q She was with you the three years you were over there? A Yes sir.  
Q From 1893 to 1896? A Yes sir.  
Q Did she come back with you in 1896? A No, she came back about two months after I did.  
Q That was in 1896? A Yes sir.  
Q You say she married about four years ago? A Yes sir.  
Q Married in 1898? A I don't know whether it was 1898 or--let me see--yes, it has been five years ago. No, I really don't know when she married. I know it has been about five years.  
Q Was she living with you in the Cherokee nation from the time you came back from Eureka Springs up to the time she married? A Yes sir.  
Q Where has she been living since she was married? A Sometimes with me, and sometimes with his father.  
Q Is her husband a white man? A Yes sir.  
Q Where is his home? A He is a plumber; he has been living about twelve places at different times; four or five of them in the Indian Territory, and four or five in Arkansas.  
Q Where were they in 1898? A I don't know as I can tell you.  
Q Wasn't they over in Arkansas at that time? A Is that the year the roll was made?  
Q No. A Well, a part of the time possibly they were; she has never been in Arkansas at any time as much as a year at a time except when I was at Eureka Springs.  
Q Didn't they keep house in Arkansas? A No, they lived with his father while they were there.  
Q Lived with his father? A Yes sir.  
Q Does she still call her home in the Cherokee nation? A Her home is with me, yes; and their object in working over there has been to get money to improve a home for themselves.  
Q Did they have any lands in the Cherokee nation? A Yes sir.  
Q Does she have a farm over here in the nation? A She has not had a

- farm, but she has a claim that has not been improved.
- Q When your daughter was married to Mr. Fawcett, where did they live right after they were married? A With me.
- Q When did they go to Ft. Smith, Arkansas? A I cant tell. I am not certain of these dates. I sort of give you a general idea of the time. I have no way of knowing.
- Q You say they did not live in Ft. Smith for a year at a time? A No, she was not there a year at a time; she was always with me a part of every year--nor did we ever stay in Eureka Springs for a year.
- Q Is her husband a contractor? A He is a plumber and contractor; he worked at Texarkana, Ft. Smith, Salisaw, Ft. Gibson, Tahlequah, and a good many places; whenever he is not at work he spends some of the time with us.
- Q He don't work for anyone else? He works for himself? A Sometimes he gets a contract with someone else.
- Q How long did you say they had lived outside the Cherokee nation? A When do you mean?
- Q Altogether? A It would be hard to say during five years.
- Q Would she be out half the time? A I expect so.
- Q You don't know where they were living in June, 1898, do you? A I couldn't tell where they were then.
- Q But you say your daughter has a claim in the Cherokee nation? A Yes.
- Q And intends to improve that? And select that as her allotment? A Yes.
- Q Is that her husband's intention also? A Yes sir.
- Q She considers the Cherokee nation their home? A Yes, they have been trying to get money to improve this place.

This testimony will be written up and made a part of the record in this case, but it will not excuse your daughter from coming in; she will have to appear and give her testimony just the same.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

*Frances R Lane*

Subscribed and sworn to before me this November 1, 1902.

*B. L. Jones*  
Notary Public.

Subscribed and sworn to before me this 1st day of December, 1908

Notary Public  
H. K. M.

COMMISSION

EXPIRES 12.31.1910

1908

Notary Public

DEPARTMENT OF THE INTERIOR.  
 Commission to the Five Civilized Tribes.  
 Muskogee, Indian Territory, October 24th, 1902.

In the matter of the application of Mirah A. Faucette for the enrollment of herself as a citizen by blood of the Cherokee Nation.

Supplemental to D-866.

MIRAH A. FAUCETTE, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Mirah Faucette.  
 Q. What is your age and post office address? A. 25.  
 Q. Where do you live? A. Helena.  
 Q. Arkansas? A. Yes, sir.  
 Q. Where were you born? A. Somewhere in the Territory; I don't know.  
 Q. How long did you continue to reside in the Territory after your berth? A. Why, I lived in the Territory, lets see--Well, I have lived off and on in the Territory altogether up until the last--until after I married. I was born and raised right in the Territory.  
 Q. How old were you when you left the Territory the first time and where did you go? A. I don't remember just the exact dates now.  
 Q. Just the approximate time? A. The first time we left the Territory we went to Eureka Springs.  
 Q. Arkansas? A. Yes, sir.  
 Q. About how old were you then? A. I can't say because I don't remember positively.  
 Q. Did you go there with your parents? A. Yes, sir.  
 Q. Are they living now? A. Yes, sir.  
 Q. Where do they live? A. Tahlequah.  
 Q. Right in the town of Tahlequah? A. Yes, sir.  
 Q. How long have they been actual residents of the town of Tahlequah? A. Why, I don't honestly remember how long they have been living there, I really don't.  
 Q. Haven't you any idea? Has it been as much as two years?  
 A. Yes, sir; longer than that; nearly three, I think.  
 Q. Where did they live prior to that, in what town? A. They have moved around so much I declare I don't know.  
 Q. Is your mother alive? A. Yes, sir.  
 Q. Where is she at this time? A. They live at Tahlequah.  
 Q. Is she over there at this time? A. Yes, sir.  
 Q. When were you married? A. In October, 1896.  
 Q. October, 1896? A. Lets see. Yes, sir; it was 1896.  
 Q. What is the name of your husband? A. Edgar Faucette.  
 Q. He is living at this time? A. Yes, sir.  
 Q. What is his occupation? A. Plumber.  
 Q. Where were you married? A. Married at Eureka Springs.  
 Q. Were your parents living there at that time? A. Yes, sir.  
 Q. Keeping house there? A. Yes, sir.  
 Q. How long did they continue to keep house there after your marriage? A. We left right away; didn't live there hardly a year.  
 Q. Where did they go? A. Come back to the Territory.  
 Q. How long had you been living at Eureka Springs prior to your marriage? A. I don't remember positively all these things. I think it was about a year or something like that.  
 Q. Your parents were keeping house there when you were married?  
 A. Yes, sir. My father is a minister.  
 Q. Was he assigned to any church? A. Yes, sir.  
 Q. Is he preaching at this time? A. Yes, sir.  
 Q. Where? A. Tahlequah.

Q. After you were married where did you live? A. Fort Smith.  
Q. Did you keep house there? A. When we first married we went to Fort Smith and we boarded a year or two then we kept house a year and then broke up and I come up here.  
Q. How long did you remain? The first time you came after you were married, how long did you remain? A. About a month or two months.  
Q. Your husband was down in Arkansas during that time? A. Yes, sir.  
Q. Are you keeping house at Helena? A. No, sir.  
Q. Boarding? A. Yes, sir.  
Q. Do you own any property in the Cherokee Nation? A. We haven't; no, sir.  
Q. Have either you or your husband made your home or actually resided in the Cherokee Nation? A. Lived here as much as any where.  
Q. Have you actually lived here? A. Do you mean come here and keep house?  
Q. Yes. A. No, sir.  
Q. Have you ever boarded here? A. Yes, sir.  
Q. Where? A. With my parents at Tahlequah.  
Q. When was that? A. About a year ago I come up here and stayed.  
Q. Did your husband come with you? A. He wasn't here all the time.  
Q. How long did he remain when he was here? A. He would come and stay two or three weeks at a time.  
Q. Did you pay board to your parents? A. Yes, sir.  
Q. How long did you remain there that time? A. I think I stayed six months.  
Q. Where did you go then? A. Helena.  
Q. Have you lived at Helena ever since? A. Not ever since. I was at home last summer.  
Q. Were you visiting? A. Yes, sir.  
Q. Where were you living in June, 1898? A. I don't remember. I hate to say when I don't remember the dates.  
Q. Four years ago last June. A. I don't know where to say. I don't remember. We only did light housekeeping.  
Q. As a matter of fact have you at any time since your marriage come here to the Cherokee Nation with the intention of making it your home? A. We have always come here to make it our home.  
Q. Have you had that intention? A. I intended at one time to live in the Territory at Tahlequah.  
Q. How long did you remain? A. I stayed there six months.  
Q. That is about a year ago? A. Yes, sir; just about.  
Q. You didn't bring any effects with you? A. No, sir; never had any to bring.  
Q. Were you doing light housekeeping? A. Yes, sir.  
Q. What did you do with the things? A. When I broke up housekeeping we sold them.  
Q. You didn't buy any when you went to Helena? A. No, never did. We boarded.  
Q. You stated a while ago that you believed that you lived at Eureka Springs about a year prior to your marriage?  
A. I said I thought. I didn't say positive.  
Q. Where did you go from when you went to Eureka Springs?  
A. I think it was Vinita.  
Q. Have you been living at Vinita? 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.

*Jesse O. Carr*

Subscribed and sworn to before me this 1st day of December, 1902.

*J. R. Renter*  
Notary Public.



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

In the matter of the application for the enrollment  
of Mirah A. Faucette as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The records of this office show that on November 28, 1900, Mirah A. Faucette appeared before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Additional proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 23 and 24, 1902.

The evidence in this case shows that Mirah A. Faucette, who is identified upon the 1880 authenticated Cherokee roll and also upon the 1896 Cherokee census roll, is a Cherokee by blood and has resided continuously in the Cherokee Nation from the date of her birth up to and including September 1, 1902, with the exception of a temporary absence in the State of Arkansas. From 1893 to 1896 she resided with her father, a Minister of the Gospel, who was temporarily stationed at Eureka Springs, Arkansas. From 1896, when she married, until 1900, she occasionally accompanied her husband to different cities in the State of Arkansas, where he was temporarily engaged as a plumber. It is not considered, however, that the temporary absence of said applicant in any way effected her right to enrollment as a citizen of the Cherokee Nation.

It is, therefore, ordered and adjudged that under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Mirah A. Faucette is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.



Commissioner.

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_

*D. State*

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
FEB 13 1902

ADMIS. NERS  
FANBY, LAWYER  
AM. DIXBY  
M. M. H. NARDLES  
R. H. BRACKINRIDGE  
J. W. SWINNEY  
J. W. SWINNEY  
J. W. SWINNEY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 11, 1902.

Mrs. Sarah A. Hackett,  
Muskogee, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 11 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-266  
Register.

Yours truly,

~~Acting Commissioner~~  
Commissioner in Charge.

Muskogee, Indian Territory, October 11, 1902.

Mariah A. Faucette,  
Port Smith, Arkansas.

Dear Madam:

You are hereby notified that you will be allowed fifteen days from date hereof, in which to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, and introduce further testimony as to your residence in the Indian Territory.

Please give this matter your immediate attention, as the evidence required is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished, no further action will be taken looking towards your final enrollment as a citizen of the Nation.

Please present this letter when you appear before the Commission.

Respectfully,

Commissioner in Charge.

**INDEXED.**

COMMISSION TO FIVE TRIBES.	
No.	Received
22559	1905 MAY 4 1905

CC 10953

Cherokee Land Office,  
Tahlequah, I.T.,  
May 3, 1905.

Relative to testimony  
given by D.N. Allen relating  
to status of his child  
Maria A. Fawcett.

CHEROKEE ENROLLMENT.

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

WM. O. BEALL,  
Secretary

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

REFER IN REPLY TO THE FOLLOWING:

ADDRESS OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES, Tahlequah, Indian Territory, May 3, 1905.

Commission to the Five Civilized Tribes,  
(Cherokee Enrollment Division),  
Muskogee, Indian Territory.

Gentlemen:-

This office has been informed recently that D. N. Allen, the father of Maria A. Fawcett, (Cherokee D-866) recently died and on his death bed confessed that he testified falsely before the Commission in claiming that Maria A. Fawcett was a child of himself and Mary Allen; that he stated the said Maria A. Fawcett was a child of himself and a former wife, a non-citizen of the Cherokee Nation.

As D. N. Allen is himself a white man the materiality of this statement is apparent.

This is for the information of the Commission.

Respectfully,

*Bruce E. Jones*  
Chief Clerk,  
Cherokee Land Office.

GAL.

Cherokee D-866.

Muskogee, Indian Territory, October 2, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 2, 1905, granting the application of Mirah A. Faucette for enrollment as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Commissioner.

LS  
Incl. S-1

Cherokee D-866.

Muskogee, Indian Territory, October 21, 1905.

Mirah A. Faucette,  
Helena, Arkansas.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 2, 1905, granting your application for enrollment as a citizen by blood of the Cherokee Nation.

You are advised that you will not be permitted to make an all tribal selection in the Cherokee Nation 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,

S. D.

*Tame Dixie*

Commissioner.

Incl. S-285



Cher 10954

Sallie Holson

Trans. from D105

Cher 10954

a-

COMMISSION TO INVESTIGATE MEDICALS  
**FILED**  
AUG 15 1960

*[Handwritten signature]*



no certificate.

... children ... certificate ... council ...

... the ... association ...

*M. D. Lee*


*[Handwritten signature]*

116 B

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

AUG 9 1900



ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

Date *1871* 1800.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

*YAM*

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>74</i>	<i>10</i>
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>75</i>	<i>11</i>
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>76</i>	<i>12</i>
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>77</i>	<i>13</i>
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>78</i>	<i>14</i>
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>79</i>	<i>15</i>
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>80</i>	<i>16</i>
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>81</i>	<i>17</i>
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>82</i>	<i>18</i>
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>83</i>	<i>19</i>
<i>YAM</i>	<i>1870</i>	<i>170</i>	<i>84</i>	<i>20</i>

*Do not list*

*Copy to be kept in admission  
book.*

I, Albert G. McVillan, stenographer to the Commission to the Five Civilized Tribes, on oath state that the foregoing is a full and correct copy of the testimony taken in the matter of the application made by Sampson Holson for the enrollment as citizens by blood of the Choctaw Nation of his minor children, Ida May Holson, Lula Belle Holson, William Henry Harrison Holson, and Sampson Sweeny Noel Holson.

Albert G. McVillan

Subscribed and sworn to before me this 4th day of October, 1901.

J. L. Jackson  
Notary Public.

C O P Y.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. October 2, 1901.

In the matter of the application of Sampson Holson for the enrollment as citizens by blood of the Choctaw Nation of his minor children, Ida May Holson, Lula Belle Holson, William Henry Harrison Holson and Sampson Sweeny Noel Holson.

Sampson Holson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sampson Holson.  
Q What is your age? A 56.  
Q What is your post office address? A Wilburton.  
Q Choctaw Nation? A Yes sir.  
Q How long have you resided in the Choctaw Nation? A All my life.  
Q You are a citizen by blood of the Choctaw Nation are you?  
A Yes sir.

The name of Sampson Holson, 53 years old, appears upon Choctaw Roll card field number 3047.

- Q You now want to make application for enrollment as citizens by blood of the Choctaw Nation of Ida May Holson, Lula Belle Holson, William Henry Harrison Holson, and Sampson Sweeny Noel Holson? A Yes sir.  
Q Are you the father of these children? A Yes sir.  
Q What is the name of their mother? A Sallie Holson.  
Q What was her maiden name? A Sallie Gann.  
Q Was she a citizen by blood of any Nation in Indian Territory?  
A She was a Cherokee.  
Q Was she a recognized citizen of the Cherokee Nation at the time you were married to her? A Yes sir.  
Q Do you know whether her name appears upon the rolls of the Cherokee Nation? A No sir.  
Q When were you married to Sallie Gann? A About 1878.  
Q Where were you married to Sallie Gann? A Sequoyah District, Cherokee Nation.  
Q Were you living in the Cherokee Nation at the time of your marriage? A No sir; I was living in the Choctaw.  
Q After you were married to Sallie Gann she accompanied you to the Choctaw Nation? A Yes sir.  
Q Were the children named in the application born in the Choctaw Nation? A All except Sampson Sweeny Noel, were born in the Choctaw Nation; he was born in the Cherokee Nation.  
Q You are the father of the children named in this application?  
A Yes sir.  
Q And Sallie Gann was the mother of the children named in this application? A Yes sir.  
Q How long did Sallie Gann live with you in the Choctaw Nation?  
A I think until sometime in 1897.  
Q Does she now live with you in the Choctaw Nation? A No sir.  
Q Are you and she divorced? A Yes sir.  
Q Where does she live now? A At Gann, Cherokee Nation.  
Q Where have the children named in this application resided since 1896? A At Gann, Cherokee Nation.  
Q Have they been living with their mother? A Yes sir.  
Q Have they ever lived in the Choctaw Nation with you? A Yes sir.



there come there and visit and stay with me two or three months and come back.

- Q After they were born did they live with you and your wife Sallie Gann in the Choctaw Nation up to the time that you and she separated? A Yes sir.
- Q Did the children named in this application draw the leased district money in the Choctaw Nation? Yes sir.
- Q In what County? A Sugar Loaf County.  
Choctaw pay roll for 1893 examined and in the records of Sugar Loaf County are found the names of Ida Holson, 9 years of age, Lula Belle Holson, 5 years of age, H. Holson, 2 years of age and S. S. Holson 8 months old. It appears from such records that Sampson Holson drew \$107.00 for each of the children named.
- Q Have either of the children named in this application ever been listed for enrollment as citizens of the Cherokee Nation?  
A I dont know.
- Q Do you know whether any application was ever made for the enrollment of these children named in this application for enrollment in the Cherokee Nation? A No sir.
- Q By what court were you and Sallie Gann divorced? A First District Court of the Choctaw Nation.
- Q Have you a copy of the decree of divorce issued by that court?  
A No sir.
- Q Who procured the divorce - you or she? A I did.
- Q To whom was the care and custody of these children awarded by the court at the time the divorce was granted? A To her.
- Q How many children had you at that time living who were ~~un~~ unmarried and under 21 years of age? A They was all ~~un~~ unmarried and all under 21 years of age at that time.
- Q Who took charge of these children after the divorce was granted; yourself or your wife? A Their mother.
- Q Did your wife return to the Cherokee Nation after this divorce was granted? A Yes sir.
- Q Did she take these children, Ida May Holson, Lula Belle Holson, William Henry Harrison Holson and Sampson Sweeny Noel Holson, with her? A Yes sir.
- Q Has she had the care and custody of these children since that time? A Yes sir.
- Q Are they still living with her in the Cherokee Nation? A Yes sir.
- Q Who has ~~un~~ supported and clothed these children since you and Sallie Gann were divorced? A Sallie.
- Q Have you contributed anything towards the support of these children since you were separated? A Yes I gave them \$2000.00 when me and her was divorced.
- Q You gave her \$2000.00 at that time? Yes sir to support the children with.
- Q Was that a stipulation in the divorce proceedings? A Yes sir.
- Q Have you ever contributed anything further to the support of these children than the amount stated by you? A Yes sir; sometimes.
- Q Has it been a regular yearly contribution or given to them occasionally? A I just give it to them occasionally.
- Q Have you been authorized in any manner by Sallie Gann to apply for the enrollment of these children as citizens of the Choctaw Nation? A Yes sir.
- Q She wanted you to make application for the enrollment of these children as citizens of the Choctaw Nation? A Yes sir.
- Q When did she make this request? A She requested me to make

- application a long time ago; she told me day before yesterday the last time.
- Q That she wanted you to appear before the Commission and make application for the enrollment of these children? A Yes sir.
- Q Do you know whether or not Sallie Gann has ever made any effort to have these children enrolled as citizens of the Cherokee Nation? A She said it was -- and put in the doubtful card.
- Q Do you know when she made application? A No sir.
- Q You claim to have been married to Sallie Gann in the Cherokee Nation in 1878; did you take her to the Choctaw Nation in that year? A Yes sir.
- Q Was she ever recognized as a citizen of the Choctaw Nation and enrolled by the tribal authorities of the Choctaw Nation?
- A She was recognized by the Indians as an intermarried citizen.
- Q But you don't know that she was listed for enrollment by the tribal authorities? A No sir.
- Q If her name had been placed upon the tribal rolls of the Choctaw Nation would you have known it? A Yes sir.
- Q Did you ever make application to the tribal authorities of the Choctaw Nation for her enrollment? A No sir.
- Q Are you advised that the act of Congress approved June 28, 1898 provides that: "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere?" A Yes sir.
- Q If it should be found that the applicants, Ida May Holson, Lula Belle Holson, William Henry Harrison Holson, and Sampson Sweeny Noel ~~Harrison~~ Holson have been recognized and duly enrolled by the tribal authorities as citizens of both the Choctaw and Cherokee Nations as citizens of what Nation do you now elect to have them enrolled and take the allotment of lands and distribution of moneys? A In the Choctaw Nation.
- Q The decision of the Commission with reference to the application made by you for the enrollment of Ida May Holson, Lula Belle Holson, William Henry Harrison Holson and Sampson Sweeny Noel Holson, will be mailed to you at your post office address as given in your testimony.

Clara Mitchell Wood being first duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on the 2nd day of October, A. D. 1901.

Clara Mitchell Wood.

Subscribed and sworn to before me this 2nd day of October 1901.

J. S. Dodson,  
Notary Public.

I, Albert G. McMillan, stenographer to the Commission to the Five Civilized Tribes, on oath state that the foregoing is a full and correct copy of the testimony taken in the matter of the application made by Sampson Holson for the enrollment as citizens by blood of the Choctaw Nation of his minor children, Ida May Holson, Lula Belle Holson, William Henry Harrison Holson, and Sampson Sweeny Noel Holson.

Albert G. McMillan

Subscribed and sworn to before me this 4th day of October, 1901.

J. H. Hedson  
Notary Public.

COMMISSIONER

Charlottesville and amount to receive the same day of 1908.

of his standing in the hope of the fact that the above and looking to a fine and accurate financial statement and disbursements in the above entitled case, and Commission to the five qualified persons he collected received the R. C. Barwell on Oct. 1908.

case and the same is already. The representative of the Cherokee Nation also submits the

A Yes. The Commission for their consideration. The Commission for their consideration. You appeal, the case

A Yes. In the above statement, you will receive for years. The Commission for their consideration. The Cherokee Nation for their consideration. The Cherokee Nation for their consideration. The Cherokee Nation for their consideration.

Cherokee D. 105.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, February, 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Sallie Holson, for the enrollment of herself and children as citizens of the Cherokee Nation:

Appearances:

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

SALLIE HOLSON, being sworn and examined, testified as follows:

- Q What is your name ? A Sallie Holson.  
Q Where do you live ? A Gans, Cherokee Nation, Sequoyah District.  
Q Are you an applicant before this Commission for enrollment as a citizen of the Cherokee Nation ? A Yes sir.  
Q You claim that you have been admitted to citizenship by the Cherokee National---  
A Why I claim---  
Q Just wait a minute. By the Cherokee National Council ?  
A Yes sir.  
Q Did you ever write to the executive secretary at Tahlequah, and endeavor to obtain a copy----  
A I did and got a lawyer to attend to it for me, and paid him for it; but he never did get it for me.  
Q Did you receive a certificate from the Council, or a copy of the Act when they admitted you ? A No sir, I never got none.  
Q In what year and in what month do you claim to have been admitted to citizenship ?  
A In 1893, in November.  
Q Have you been living here continuously since that time ?  
A Yes sir, I have been living ever since that time right at Gans. I was born and raised in the Cherokee Nation.  
Q What is the name of your husband ? A Samuel Holson.  
Q Is he living or dead ? A Dead.  
Q Was he a recognized citizen of the Choctaw Nation ?  
A Yes he was a citizen of the Choctaw Nation.  
Q Your children, have they been recognized as citizens of the Choctaw Nation ?  
A No sir, my husband tried to get them on the roll, but he died and never got them through.  
Q Didn't you draw money for these children in the Choctaw Nation ?  
A I did when we lived over there at one time.  
Q You drew in the payment of 1893 for the children, did you not ? The payment of 1893; the "Leased District" payment ?  
A Yes sir, I drew some money.  
Q How have either you or your husband ever made application to this Commission for the enrollment of your children as citizens of the Choctaw Nation ? A He did last fall, or was going to, but he died, and it never was done. He come up here the last of September or first of October in the fall just before he died.  
Q Did your husband ever make application for your enrollment as a citizen of the Choctaw Nation by intermarriage ?  
A No sir he never did.  
Q Are you advised that the Act of Congress approved June 28, 1898, contains this provision:  
"The several tribes may, by agreement, determine the right of persons who, for any reason, may claim citizenship in two or more tribes, and to allotment of lands and distribution of monies belonging

to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and shall be given such allotment and distributions, and not elsewhere" ? Now what is your answer to that ?

A Yes sir, in the Cherokee Nation.

Q If it should be found that your children Ida W. Holson, Lula B. Holson, William H. Holson and Samuel Holson, have been recognized and duly enrolled by the tribal authorities as citizens of both the Choctaw and Cherokee Nations, as citizens of what nation do you now elect to have them enrolled, and take the allotment of lands and distribution of monies ?

A I want them enrolled in the Cherokee because it will be nearer my allotment, and we can have them all together.

Q Did your husband Samuel Holson appear before this Commission in October and elect to have these children enrolled as citizens of the Choctaw Nation ? A Yes sir, he did; he come up here, but I don't remember whether it was in September or October, and he said he made application before the Commission, but said he didn't know whether they would be put on the Cherokee roll or not; or whether they would be put on the Choctaw roll or not.

Q Suppose they can be enrolled as citizens of either of these two nations, which one do you want them enrolled in ?

A To have them nearer home, I would rather have them enrolled in the Cherokee Nation. My husband is dead now, and I wouldn't let them live over there, and I want them here with me in the Cherokee Nation. I am the only guardian for the children.

Q Is there any other statement Mrs. Holson that you desire to make relative to your enrollment, and that of your children ?

A I have got some more children.

Statement by the Commission: They must apply for themselves.

Q Is there any other statement you want to make relative to your enrollment ? Is there anything else you want to say.

A No sir, I believe not.

ANDREW RUSSELL, being duly sworn, testified as follows:

Q How old are you ? A I am 58, going on 29.

Q What is your name ? A XAndrew Russell.

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

Q Are you acquainted with the applicant in this case, Sallie Holson ? A Yes sir.

Q How long have you known her ? A About 40 years.

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

Q Did you know her father and mother ? A Yes sir.

Q Do you know where she was born ? A Yes sir.

Q Where ? A In Flint District, Cherokee Nation.

Q How long did she continue to reside there after her birth?

A X She lived there with her father and mother until the war, and then they went over about the Texas line of the Choctaw Nation, and then moved back here in Sequoyah District, and lived about three-quarters of a mile from me until she married.

Q When was that; do you know when she was married ?

A It was somewhere in 1876 or 1878, I don't remember the date, but it was somewhere in the 70 s.

Q Where did she go after her marriage ? A To the Choctaw Nation.

Q When did you next see her after her marriage ?

A When she come back.

- Q Do you know about when that was ? A In 1892 or '93.  
 Q Was that the first time you had seen her after her marriage ?  
 A No sir, she would come over and visit her father during that time.  
 Q What was her father's name ? A George Gans.  
 Q Is he living or dead ? A He is dead.  
 Q What was her mother's name ? A Mary Ann Coy.  
 Q Were her father and mother both Cherokees ? A Yes sir.  
 Q Have they always lived in the Cherokee Nation ? A Yes sir. Ever since I have known them.  
 Q How long have they been dead ? A Can't tell you how long; good while though. Her mother, I think, has been dead about 20 years; near about 20 years.  
 Q How long has her father been dead ? A About 12 or 14 years.  
 Q The names of the father and mother are both on the 1880 roll ?  
 A I don't know; she may have died a few years before that. It may have been in 1878. She lived within a half a mile of me when she died.  
 Q What district did her father and mother live in ? A Sequoyah.  
 Q Did they always live there ? A Since the war pretty much all the time, if I remember right.

Examined by Mr. Hastings, attorney for the Cherokee Nation:

- Q What was her father's name ? A George Gans.  
 Q Had a brother named Tol ? A Yes sir. Called him Elias Gans, I believe, her oldest brother. George Gans was a brother of Mrs. Adair; old lady Adair.  
 Q How old would applicant's father be if he were living now ?  
 A I can't tell you; I didn't know his age. He was a grown man and had three children when I first got acquainted with him.  
 Q Did applicant have any brothers or sisters ?  
 A Had one sister living in Flint District.  
 Q Have any brothers ? A Had a half-brother.  
 Q What was his name ? A If I remember right his name was Miller.  
 Q Did you ever know a man by the name of Thomas Gans ?  
 A I knew Tom down there, the old man's son.  
 Q This woman's brother ? A Yes sir.

The Commission: The authenticated roll of citizens of the Cherokee Nation examined and on page 699, #553, in Sequoyah District, appears the name of George Gan, who is fully identified as the father of the applicant in this case.

Examined by the Commission:

- Q Do you know whether this woman ever applied to the Cherokee Council for re-admission after she came back from the Choctaw Nation?  
 A It is the understanding I got from her and other parties. I just got it from other parties; don't know personally about it.  
 Q Is there any other statement you desire to make relative to the enrollment of the applicant Sallie Holson ?  
 A No sir, nothing more that I know of. In regard to the applicant I know this: I know that she put in a claim and got Dave Clark to attend to it for her to get her re-admitted as a citizen of the Cherokee Nation by the Council. Whether he done that I don't know. I wrote to the Secretary myself, and there wasn't nothing on the roll.  
 Q You wrote to the Secretary of the Cherokee Nation ?  
 A But he said there wasn't anything done there. I found out afterwards he never got any copy--

The records of the Cherokee Nation examined, and fail to disclose that either the applicant or her two children were ever admitted to citizenship in the Cherokee Nation by the Cherokee National Council or the Commission on Citizenship.

Q Is there any other statement now you desire to make ?

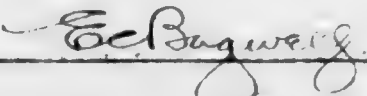
A No sir.

The Commission, (addressing applicant): You submit this case to the Commission for final consideration ?


A Yes sir.

The representative of the Cherokee Nation also submits the case; and the same is closed.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is a true and accurate transcript of his stenographic notes thereof.

  
\_\_\_\_\_

Subscribed and sworn to before me this 20 day of February, 1902.

  
\_\_\_\_\_

Commissioner.



Section 7. Be it further Enacted: That before the said census Rolls shall be completed and accepted they shall be passed upon by the National Council in the following manner: There shall be appointed nine special joint committees, composed of two members from the senate and all the members from the lower House from each District whose duty it shall be to carefully examine the census rolls of the enumeration of their respective Districts and pass upon each and every name appearing upon the citizen roll. The name of any person appearing thereon whom they may know to or have good and sufficient reason to believe to be a non Citizen and not entitled to appear upon such census roll, shall be stricken out with red ink and the work, "non Citizen" entered in red ink in the margin of remarks opposite the name, and such person so declared to be a non citizen shall be placed upon the proper rolls prepared for that purpose. The name of any person who shall have been placed upon the noncitizen roll by the solicitors of the several Districts, but who may be declared to be a bona fide Cherokee citizen by such committee, and all persons known to be, bona fide Cherokee Citizens, who have been inadvertently omitted to be enrolled by the census takers, shall be added to the citizen census roll aforementioned, and all persons so wrongfully enrolled on non citizen rolls shall be with red ink stricken from the non citizen roll with proper entry under the head of remarks opposite such name.

Sec 8 Be it further enacted: That the said census rolls after they have been fully examined and the necessary corrections shall have been made as herein before provided, shall be signed in approval by the respective committees and accepted by the National Council and shall be deemed and taken as the authenticated census rolls of the Cherokee Nation, and it shall be the duty of the principal Chief to cause one or more of his Executive secretaries to make copies of said Census rolls in alphabetical order of all on the Citizen rolls to be used by the treasurer as pay rolls, And the Principal Chief is hereby authorized to certify to said census rolls under the seal of the Cherokee Nation.

Executive Office Cherokee Nation,  
Tahlequah I. T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above two section is a true copy of section 7, and 8 of an Act of the National Council entitled as an Act providing for the taking of the Census of the Cherokee Nation" approved April 15th 1893, on record in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 5th day of December 1900.

B. W. Alberty  
Assistant Executive secretary Cherokee  
Nation.

Seal

Muskogee, I. T., June 14, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of a certified copy of sections 7 and 8 of an Act of the National Council approved April 15, 1893, now on file in the office of the Commission.

*H. M. Vance*

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

In the matter of the application for the enrollment of Sallie Holson et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Sallie Holson et al.,	Cherokee D-106,
Mollie A. Seabolt	Cherokee D-120,
Minnie Russell,	Cherokee D-136.

O R D E R.

It appears from the record in this case that on August 3, 1900, Sallie Holson appeared before this Commission at Sallisaw, Indian Territory, and made application for the enrollment of herself and minor children, Idella, Julia E., William and Samuel Holson, as citizens by blood of the Cherokee Nation; that on October 2, 1901, Sampson Holson, father of above named minor applicants, appeared before the Commission at Muskogee, Indian Territory, and elected to have said minor applicants enrolled as citizens by blood of the Choctaw Nation; and that, under date of September 21, 1903, this Commission received from the said Sallie Holson, a letter requesting that said above named minor applicants be listed for enrollment as Cherokee by blood.

It further appears that on August 14, 1900, John J. Seabolt appeared before this Commission at Muldrow, Indian Territory, and made application for the enrollment of his wife, Mollie A. Seabolt, as a Cherokee by blood; that on October 2, 1901, the said Mollie A. Seabolt appeared before the Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that, under date of May 5, 1902, this Commission received from the said Mollie A. Seabolt a letter requesting that she be listed for enrollment as a citizen by blood of the Cherokee Nation.

It further appears that on August 16, 1904, George Russell appeared before this Commission at Muldrow, Indian Territory, and made application for the enrollment of his wife, Minnie Russell, as a citizen by blood of the Cherokee Nation; that on October 7, 1901, the said Minnie Russell appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that subsequently a letter was received by this Commission, from the said Minnie Russell, requesting that she be listed for enrollment as a citizen by blood of the Cherokee Nation.

The record further shows that after ample time having been afforded the said above named applicants to appear before this Commission and, under oath, re-elect in which Nation they desire to be enrolled, they have failed to do so, and it is, therefore, ordered that this case be closed, and a decision be prepared in conformity to the law applicable to the facts established by the evidence now of record herein.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

Commissioner

Muskogee, Indian Territory.

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

*P. 73*

In the matter of the application for the enrollment of Sallie Holson et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Sallie Holson, et al.,	Cherokee D-109,
Mollie A. Seabolt,	Cherokee D-120,
Winnie Russell,	Cherokee D-136.

-:-

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 by Sallie Holson for herself and minor children, Ida M. Holson, Lula B. Holson, William Holson and Samuel Holson; by John E. Seabolt for himself and wife, Mollie A. Seabolt; and by George Russell for himself and wife, Minnie Russell. As the applicants John E. Seabolt and George Russell have been heretofore disposed of, and their names now appear upon a partial roll of citizens by blood of the Cherokee Nation, duly approved by the Secretary of the Interior, they will not be embraced in this decision.

From the records in the possession of this Commission it further appears that on October 2, 1901, Sampson Holson, the father of the above named minor applicants, appeared before this Commission at Muskogee, Indian Territory, and elected to have said above named minor applicants enrolled as citizens by blood of the Choctaw Nation; that on October 2, 1901, the applicant, Mollie A. Seabolt, appeared before this commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that on October 7, 1901, the applicant Minnie Russell, appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation. Thereafter, letters were received by this Commission from the applicants Sallie Holson, Mollie A. Seabolt and Minnie Russell, respectively, requesting that the above named minor applicants and the said Mollie A. Seabolt and Minnie Russell, be listed for enrollment as Cherokees by blood. Whereupon, further time was granted said applicants to appear before this Commission and, under oath, re-elect in which Nation they desired to be

enrolled, and upon their failure to so appear and elect, this case was ordered closed.

The evidence herein shows that the applicant, Sallie Holson, is a Cherokee by blood; that since birth she has continuously lived within the limits of the Indian Territory, the major portion of her life having been spent in the Cherokee Nation, and that she is duly identified on the Cherokee Strip payment roll of 1894, and the Cherokee census roll of 1896.

The evidence further shows that the applicants, Ida M. Holson (Ida May Holson), Lula B. Holson (Lula Belle Holson), William Holson (William H.H. Holson), Samuel Holson (Sampson S.M. Holson) Mollie A. Seabolt (Mollie Ann Seabolt), and Minnie Russell, are included in a partial roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior May 9, 1904, at Nos. 15540, 15541, 15542, 15543, 15544 and 15545, respectively.

Section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Ezekiel C. McGlaughlin (I.T.D. 7538-02), Mary J. Williston (I.T.D. 7539-02), Sarah K. Murphy (I.T.D. 1106-03), Samuel H. Keys (I.T.D. 7943-1378-02), David C. Dushane (I.T.D. 2800-03), and Abram Blackfish (I.T.D. 2840-03), Sallie Holson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495); and that the applications for the enrollment of Ida M. Holson, Lula B. Holson, William Holson, Samuel Holson, Mollie A. Seabolt and Minnie Russell, as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716); and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory,

FEB 12 1905

Gaines, S.T.

CHEROKEE Nation. CHEROKEE Roll.

NAME	Relation-ship to Person first Named	AGE	SEX	BLOOD	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENTS				
					Year	No	Name	Year	Name of Mother	Year		
Robert Satter		46	F	1/2	1890	Sequoyah	67	Sequoyah	1890	Sequoyah	67	Sequoyah
Ida M	Daughter	16	F	1/2	1896		67	Choctaw	1891			
Lula B	"	11	F	1/2	1896		1285		1891			
William	Son	7	M	1/2	1896				1891			
Samuel	"	7	M	1/2	1896				1891			

of 21, 1902. The records of all children  
 of above named persons are  
 now in the hands of the  
 Indian Commissioner at  
 Washington, D.C. and  
 will be forwarded to the  
 Cherokee Nation as soon as  
 they are received.

Certificate  
 by Indian Commissioner

RECORDED  
 INDEXED  
 FORWARDED  
 DEPARTMENT  
 MAR 7 1905  
 RECORD FORWARDED APPLICANT  
 MAR 10 1905

See Cherokee Census Feb. 18 1902. Mothers of above children  
 state before them enrolled in Cher. Nation

Committee

CO

FEB 2 1902

SECRETARY

COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDLES  
W. K. BRACKENRIDGE

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

ALLISON I. AYLESWORTH  
SECRETARY

OFFICE OF THE SECRETARY  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory.

February 4th 1902

**Mrs. Sallie Holson,**

**Gans, Indian Territory,**

**Madame:-**

You are hereby notified that the application of **yourself 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 **18th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**You are required to supply the Commission with a certificate of readmission to citizenship by Cherokee Council.**

**Cherokee D-105**

**Register.**

Yours truly,

Acting Chairman.



(COPY)

Gans I. T. Dec 21st 1903

Commission to th five Civilize Tribes Choctaw Dept

Muskogee I T

Sirs

I will write a few lines I though my children was enroled in the  
Cerokee Nation I went to Muskogee I T and taken a witness with me  
and thought It was all right I want my children enrolled in the  
Cherokee Nation I am a citizen of the Cherokee Nation by blood  
My self and want my children enrolled with me

from

(Signed) Sallie Holson

( C O P Y )

Gans I T. Dec 21st 1903.

Commission to the five Civilize Tribes

Cherokee Dept

Muskogee I.T.

I will write a few lines to see if my children has been enrolled in the Cherokee Nation I understand that they have not been enrolled and I want to know I thought everything was all right write and let me know I went to Muskogee I T some time ago and taken a witness with me I taken Judge A. Russell with me and thought every thing was a right I want to know what to do from

(Signed) Callie Holson.

Cherokee D-106

Tahlequah, Indian Territory, January 9, 1904.

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

Gentlemen:

Receipt is acknowledged of the Commission's letter of January 5, requesting that jacket and record in the matter of the application of Sallie Helson for enrollment as a citizen of the Cherokee Nation, Cherokee D-105, to be forwarded to the office at Muskogee.

In reply, I have to advise that the records of this office show that this jacket and record were never removed from the office at Muskogee and have never been in this office.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MYM

Cherokee D 105.

Muskogee, Indian Territory, January 11, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that Sallie Holson has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock, A. M., on Thursday, February 11, 1904, for the purpose of making an election for the enrollment of her children, Ida M., Lula B., William and Samuel Holson, for whom application has heretofore been made by her for enrollment as Cherokees by blood, and by their father for enrollment as Choctaws by blood. This notice is given you in order that you may be present at that time and represent the interests of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Cherokee D 105.

Muskogee, Indian Territory, January 11, 1904.

Sallie Holson,

Gans, Indian Territory.

Dear Madam:

The Commission is in receipt of your two letters of December 21, 1903, asking that your children be enrolled as citizens of the Cherokee Nation.

In reply you are advised that the records of the Commission show that application has been made for the enrollment of your children, Ida M., Lula B., William and Samuel Holson, as citizens by blood of the Cherokee Nation, and that application has also been made by the father, Sam Holson, for the enrollment of these children as citizens by blood of the Choctaw Nation. The Commission does not consider your letter to be sufficient evidence of an election and you are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock, A. M., on Thursday, February 11, 1904, in order that your testimony may be taken as to the Nation in which you desire to have these children enrolled and to take their allotments.

Respectfully,

Commissioner in Charge.

Cl. No. 2-105

Copy

Com. To. Time Books		
No.	Received	Amount
1545	Apr 15, 1904	Building
1904		

Helson, Sallie

Gous, J. J.

Apr. 15, 1904

Desires to have her  
children enrolled as  
Cherokees.

Cherokee Land Office.

244

( COPY )

Gans, Ind. Ty. January 15th 1904.  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory;

Gentlemen:

replying to Enclosure, irrespective of reference to the records  
of the Commission.

I know where my children were born.

Also know who was their potential father

It is my wish, will and desire that they be enrolled as Citizens  
of the Cherokee and not of the Choctaw Nation.

Sam Holson- deceased- was my lawful husband- and the children-  
Ira M. Lula B. William and Samuel Holson, are citizens by blood  
of our union, of the Cherokee Nation.

I shall appear, as directed, before the Commission at  
its offices at Muskogee, I. T. At 9 o'clock A.M. Thursday  
11th '04, February

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

7-D-665  
7-D-664  
7-D-666

Muskogee, Indian Territory, March 28, 1904.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, granting the application of Mollie Ann Seabolt, Minnie Russell, Ida May Holson, Lula Belle Holson, William H. H. Holson and Sampson S. W. Holson for enrollment as citizens by blood of the Choctaw Nation.

It appears from the records in the possession of the Commission that the names of the applicants herein appear upon the 1896 Cherokee Census roll, Sequoyah District, as citizens by blood of said Nation.

Respectfully,

(Signed) T. B. Needles

Commissioner in Charge.

1 inclosure.

7-D-665  
7-D-664  
7-D-666



Cherokee D 105,  
D 120 and D 136.

Kuskogee, Indian Territory, August 31, 1904.

Commission to the Five Civilized Tribes,  
Choctaw-Chickasaw Enrollment Division,  
Muskogee, Indian Territory.

Gentlemen:

It appears that the following persons have heretofore been listed for enrollment on doubtful cards as citizens by blood of the Cherokee Nation:

Mollie Ann Seabolt, Minnie Russell, Ida May Holson, Lula Belle Holson, William H. H. Holson and Sampson S. N. Holson.

It further appears that the above named persons have also been listed for enrollment as citizens by blood of the Choctaw Nation, and it is requested that the Cherokee Enrollment Division be advised as to their present status as citizens of said Nation, and if their names have been placed upon the final roll, it is requested that their numbers be given, together with the date of the Department's approval of said roll.

Respectfully,

Chairman.

COPY.

Cherokee D-105,

120, 126.

Muskogee, Indian Territory, November 11, 1904.

W. V. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed an order of the Commission dated November 9, 1904, directing that a decision be prepared in the consolidated case of Sallie Holson, et al., in conformity to the law applicable to the facts established by the evidence now of record in said case.

Respectfully,

SIGNED:

*Tame Dixby*

Chairman.

Incl. 8-43.

COPY

Cherokee D-105.

Muskogee, Indian Territory, February 10, 1905.

Callie Holson,

Gans, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of January 31, relative to your enrollment as a citizen by blood of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared you will be furnished with a copy.

Respectfully,

(SIGNED) *James Bixby.*  
Chairman.

COPY.

Cherokee D-105  
et al.

Muskogee, Indian Territory, February 13, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, granting the application for the enrollment of Sallie Holson, and rejecting the applications for the enrollment of Ida M., Lula B., William, and Samuel Holson, Mollie A. Seabolt and Minnie Russel, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be given fifteen days from 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 applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. L-23.

*Tams Bixby.*  
Chairman.

COPY.

Cherokee D-105 et al.

Muskogee, Indian Territory, March 7, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Sallie Holson et al., as citizens by blood of the Cherokee Nation, including the Commission's decision, dated February 13, 1905, granting the application for the enrollment of Sallie Holson, and rejecting the applications for the enrollment of Ida M., Lula B., William, and Samuel Holson; Mollie A. Seabolt, and Minnie Russel, as citizens by blood of the Cherokee Nation.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*

Commissioner in Charge.

Encl. 1-27.

Through the  
Commissioner of Indian Affairs.

COPY.

Cherokee D-100.

Wuskogee, Indian Territory, March 7, 1906.

Sallie Nelson,

Gans, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your minor children, Ida M., Lula B. William, and Samuel Nelson, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, granting the application for your enrollment, and rejecting, among others, the application for the enrollment of your said minor children as citizens by blood of said nation.

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

Respectfully,

SIGNED.

*C. R. Breckinridge.*

Commissioner in Charge.

Encl. L-24.

Register.

Cher 10955

Thomas Riley

Trans. from R 813

Cher 10955

DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 Muskogee, Indian Territory, June 27th, 1902.

In the matter of the application of Pruea L. Rowland for the enrollment of herself, her son Ed Riley, and wards Thomas Riley and Susan A. Riley, as citizens by blood of the Cherokee Nation.

Appearances:

Applicant appears in person.  
 Cherokee Nation by W. W. Hastings.

Pruea L. Rowland, being duly sworn, testified as follows:  
 Examination by the Commission.

- Q What is your name? A Pruea L. Rowland.  
 Q How old are you? A I am 59 years old.  
 Q What is your postoffice address? A Choska.  
 Q That is in the Creek Nation? A Yes sir.  
 Q You make application for enrollment as a Cherokee by blood?  
 A Yes sir.  
 Q How much Cherokee blood do you claim? A Well, my mother was a full blood.  
 Q What was your father? A My father was English.  
 Q Have you any children who you want to apply for? A Yes, sir; my son.  
 Q What is his name? A Ed Riley.  
 Q How old is he? A I think he is 23.  
 Q That is the boy there is it? A Yes sir.  
 Q What is his father's name? A Johnson Riley.  
 Q Is his father living? A Living.  
 Q Is his father a Cherokee or white man? A Old settler.  
 Q What do you mean by that--Cherokee? A Cherokee, old settler.  
 Q Is he recognized as such? A Yes sir.  
 Q What district does he live in? A I don't know where he lives. I told you before. I don't know.  
 Q What is your father's name? A Charles Fleetwood.  
 Q Is he living or dead? A Killed in time of the war.  
 Q What is your mother's name? A Lucinda Fleetwood.  
 Q Is she dead? A Dead.  
 Q You claim the right to enroll through your mother? A Yes sir.  
 Q Your father wasn't a citizen? A No, only by marriage.  
 He was married right here at Fort Gibson.  
 Q When were you born? A 1844, 24th day of August.  
 Q Have you ever lived outside of the Cherokee Nation? A No sir.  
 Q Has this boy ever been outside? A He don't know anything about outside.  
 Q Where was he born? A He was born on the Grand River.  
 Q Cherokee Nation? A Yes sir.  
 Q Have you and your son ever been recognized as citizens of by the tribal authorities of the Cherokee Nation? A Must be, we drew money.  
 Q What year? A It was--I couldn't remember the years. In 1848 the last time.  
 Q How much money did you draw? A I don't know how much it was. it wasn't more than--I don't recollect. I can't say.  
 Q Have you any idea? A It wasn't a hundred.  
 Q Did you draw for your son? A No sir; I didn't draw the money. Mother drew it for us.  
 Q How long has your mother been dead? A She has been dead about 8 years.  
 Q How often have you been married? A 4 times.  
 Q What was the name of your first husband? A Joseph Cox. I only had one child by him. He got killed at war.  
 Q What is the name of your second husband? A Johnson.  
 Q What is the name of your third husband? A Johnson Riley.  
 Q What is the name of your present husband? A Anus Rowland.



- Q Is he a Cherokee? A Euchie.  
Q Was your first husband a Cherokee? A Half breed Cherokee.  
Q Was your second husband? A Full blood.  
Q Third husband? A Johnson Riley.  
Q Was he a Cherokee? A Cherokee. Old settler, I told you.  
Q Were you embraced in the application which was made by L. Jerry Fleetwood and others in 1896 for admission to citizenship?  
Q Did you make application at that time with Mr. Fleetwood for citizenship? A My brother did.  
Q He made it for you? A He made it for me.  
Q Is L. Jerry Fleetwood your brother? A Full brother. He raised me.  
Q Was this boy embraced in that application? A Ed Riley.  
Q You had him in the application too? A Yes sir.  
Q How long have you been named Rowland? A I have been married to him 20 years. I have got two sons grown.  
Q When you applied in 1896 to the Commission did you give your name as Rowland or Johnson? A I gave it Rowland.  
Q When you applied, and your brother, didn't you apply under the name of Johnson? A They gave it that way. They didn't know I was married to this man.  
Q You had been married 20 years and they didn't know it.  
A They didn't know. That is my name. My name was called Johnson before I married Riley.

The Cherokee rolls of 1880, 1883, 1886, 1890, 1894 and 1896 examined and neither the applicant or her child are identified thereon.

Examination by Mr. Hastings:

- Q You gave your postoffice as Choska? A Yes sir.  
Q I thought you answered that you never lived out of the Cherokee Nation. Do you mean to make that sort of an answer?  
A (No response).  
Q How long have you been living out of the Cherokee Nation?  
A I been there 20 years.  
Q In the Creek Nation? A Yes sir.  
Q Where was this young man born? A Born in the Cherokee Nation.  
Q Do you know when he was born? A 1877.

The records of the Commission made in accordance with the act of Congress approved June 10th, 1896, fails to disclose that the applicant applied to the Commission under her present name for the admission of herself and child to citizenship in the Cherokee Nation under the provisions of said act.

Examination by the Commission:

- Q When your brother, L. Jerry Fleetwood, made application in 1896 for the admission of himself and others to citizenship was the name of your son embraced in that application as well as your own?  
A He wrote me it was. He said he put all our names down.

It appears from the records of the Commission made in accordance with the act of Congress approved June 10th, 1896, that L. Jerry Fleetwood and others filed application for admission to citizenship of the Cherokee Nation, under the provisions of said act with the Commission on the 7th day of September, 1896. That the answer of the Cherokee Nation was filed thereon and that on November 24th, 1896, L. Jerry Fleetwood and others, among whom appears Prueca Johnson, were admitted to citizenship as citizens by blood of the Cherokee Nation. It further appears that an appeal was taken to the United States Court for the Northern district of Indian Territory

and on the 10th of November, 1899 the court rendered its decision and declared that certain persons including L. Jerry Fleetwood and others, were entitled to enrollment as citizens by blood of the Cherokee Nation. An examination of the list of the persons so admitted fails to disclose that the applicant in this case, Pruea Johnson, was admitted to citizenship by the court on appeal. Neither does it appear that she was denied citizenship by the court. Upon examination of the original papers filed with the Commission when that application was made, it is found that certain persons were admitted by the Commission but that their names do not appear in the original application now on file in the office of the Commission. Among the persons so admitted and who are not embraced in the original application, appears the name of Pruea Johnson. Nowhere among the papers filed in the L. Jerry Fleetwood case does the name of Ed Riley appear. Nor does his name appear in the petition for appeal to the United States Court for the Northern District of Indian Territory.

- Q Have you some grandchildren that you want to apply for?  
A I had four of them. I only got two now.  
Q You want to make application for them? A Yes sir.  
Q What is the name of the oldest grand child? A Thomas Riley.  
Q Is he living? A Yes sir.  
Q How old is he? A He is 15 years old.  
Q What is the name of the next child? A Susan Arline Riley.  
Q Is her name Riley? A That is what they gave her, the name Riley.  
Q How old is she? A 14.  
Q What is the name of the next child? A There is two more. Their step mother took them. I haven't got them.  
Q They are living with their step mother? A Yes sir.  
Q Where are they living? A I can't think of the place.  
Q You don't know where they are? A No sir.  
Q When did you see them last? A It has been about 7 years ago.  
Q If you don't know anything about the whereabouts of these children we can't permit you to make application for them. These two children Thomas and Susan Arline, are they living?  
A Yes sir.  
Q Where are they living? A Living with me.  
Q How long have they lived with you? A Ever since their father and mother died.  
Q What was the name of the father of Thomas Riley? A His name I told you was Joe Cox.  
Q Joe Cox is the father of Thomas Riley? A No.  
Q That is what you said? A Yes sir; Joe Cox is the father.  
Q Who is the father of Susan? A Same father.  
Q Who is the mother of these children? A Susie Gardiner.  
Q Is she living or dead? A She has been dead ever since Arline was a baby. I raised them.  
Q Was Susie Gardiner a white woman? A She tried to prove up she was a Creek. She never took it through.  
Q Was she a Cherokee? A No sir.  
Q I can't see how these children are your grand children if the father was Joe Cox. A He was my son.  
Q He is dead? A Yes sir, been dead about 8 years.  
Q He was your son? A Yes sir.  
Q Have you ever drawn any money for these two children Thomas and Susan? A No sir.

The tribal rolls of the Cherokee Nation examined and the Children Thomas Riley and Susan A. Riley do not appear of record thereon.

It appears in the matter of the application of Pruea L. Johnson that no application was ever made for the admission of her grandchildren, Thomas Riley and Susan A. Riley, to citizenship in the Cherokee Nation.

Pruea L. Rowland applies for the enrollment of herself; her son, Ed Riley, and two grand children, Thomas Riley and Susan A. Riley, as citizens by blood of the Cherokee Nation.

None of the applicants are identified upon any of the tribal rolls of the Cherokee Nation now in the possession of the Commission. It appears, however, that the applicant in chief was admitted to citizenship by the Commission in 1896, together with L. Jerry Fleetwood, et al., and that neither her name nor the names of her child or grandchildren were embraced in the original application now on file with this Commission.

None of the applicants are identified upon any of the tribal rolls now in the possession of this Commission.

The applicant avers that she and her child and grand children have always lived in the Indian Territory. By reason of the fact that none of the applicants are identified upon the tribal rolls of the Cherokee Nation now in the possession of the Commission, and for the further reason that the principal applicant appears to have been admitted to citizenship in the Cherokee Nation by the Commission in 1896, final judgment as to their application will be suspended and their names will be placed upon a doubtful card.

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

Jesse O. Carr.

Subscribed and sworn to before me this 9 day of July, 1902.

P. G. Reuter,  
Notary Public.

SEAL.

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

*R. Palmer*

Subscribed and sworn to before me this 15th day of March, 1904.

*Simon C. Hallingford*  
Notary Public.

*Leopold Station*

# CHEROKEES BY BLOOD AND ADOPTION.

Date *5/1* 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
				23
				15
				14

*[Handwritten signature]*

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

In the matter of the application for the enrollment of Pruea L. Rowland, Ed Riley, Thomas Riley, and Susan A. Riley, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

--000--

The record in this case shows that on June 27, 1902, Pruea L. Rowland appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself, her son, Ed Riley, and her minor grand-children, Thomas and Susan A. Riley, as citizens by blood of the Cherokee Nation.

The evidence shows that the said Pruea L. Rowland is a Cherokee by blood; that the said Ed Riley was twenty-three years of age at the date of the application herein; that he is the son of the said Pruea L. Rowland, and that Thomas and Susan A. Riley are the minor children of Joe Cox, deceased, who was the son of the said Pruea L. Rowland. None of the applicants herein are identified on any tribal roll of the Cherokee Nation now in possession of the Commission. From the records of the Commission it appears that the applicant, Pruea L. Rowland, under the name of Prura Johnson, was admitted to citizenship in the Cherokee Nation, as a Cherokee by blood, by the Commission to the Five Civilized Tribes under the Act of Congress, June 10, 1896 (29 Stats. 321), and no appeal taken therefrom.

The evidence shows that the said Pruea L. Rowland has resided in the Creek Nation since her admission to citizenship.

It does not appear from the evidence in this case that the said Ed Riley, Thomas Riley and Susan A. Riley have ever been enrolled by the tribal authorities of the Cherokee Nation; neither does it appear that they, or either of them, have ever been admitted to citizenship in the Cherokee Nation by the legally constituted authorities of said Nation; nor does it appear that they, or either of them, have ever been admitted to citizenship in the said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress, June 10, 1896 (29 Stats., 321).

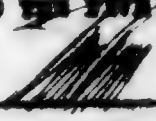
The Act of Congress of May 21, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that **Frank L. Newland** should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 20, 1906 (34 Stat., 496), and it is so ordered.

It is further the opinion of the Commission that **Ed Riley, Thomas Riley and Susan A. Riley** are not citizens of the Cherokee Nation, and only and lawfully enrolled or admitted as such; and that, pursuant to the provisions of the Act of Congress, May 31, 1906 (34 Stat., 251), said Commission is without authority to receive, consider, or make any record of their application for enrollment as citizens of the Cherokee Nation.

**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

  
\_\_\_\_\_  
Acting Chairman.

(SIGNED) *T. B. Needles.*  
\_\_\_\_\_  
Commissioner.

\_\_\_\_\_  
Commissioner.

Dated at Muskogee, Indian Territory,

this October 10<sup>th</sup> 1908

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 21, 1902.

In the matter of the application of Pruea L. Rowland for the enrollment of herself only as a citizen of the Cherokee nation.

Protest of the Cherokee Nation.

Cherokee D. 1353.

The Cherokee Nation dissents from the opinion of the Honorable Commission to the Five Civilized Tribes rendered in the matter of the application of Pruea L. Rowland for the enrollment of herself only as a citizen of the Cherokee nation rendered on October 10, 1902 and respectfully asks that the record in said case be forwarded to the Honorable Secretary of the Interior for Review.

The attention of the Honorable Secretary of the Interior is invited to the record made in this case under the act of June 10, 1896.

The record in this case shows that on June 27th 1902 the application herein was made and that the applicant Pruea L. Rowland had lived resided without the limits of the Cherokee Nation for twenty years previous to the date of making said application, and one question involved in this case is whether a person can be a resident of the Creek Nation and not connected with the Cherokee Nation or Tribe of Indians and retain her citizenship in the Cherokee nation.

Attention is called to the act of Congress entitled "An Act to provide for the allotment of the lands of the Cherokee Nation and for the disposition of Townsites therein, and for other purposes," Approved July 1st 1902, and ratified by the legal voters of the Cherokee nation on August 7th 1902 which contains the following provision:

"Sec 1. The words "Nation" and "TRIBE" shall each be held to refer to the Cherokee Nation or Tribe of Indians in Indian territory."

"Sec 26. 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."

"See 27. Such rolls shall in all other respects be made in strict compliance with the provisions of section twenty-one of the Act of Congress approved June 28th 1898 (Thirtieth Statutes page four hundred and ninety five), and the act of Congress approved May thirty-first, nineteen hundred (Thirty-first statutes, page two hundred and twenty-one.)"

Section twenty-one of the act of Congress approved June 28th 1898 contains the following provision:

"No person shall be enrolled who has not hereofore removed to and in good faith settled in the Nation in which he claims citizenship."

It will therefore be observed that the word "Nation" as used in said paragraph nine of section twenty-one of the act of Congress of date June 28, 1898 is especially defined in section one of the act of July 1st 1902 as herein before quoted to mean the "Cherokee Nation" and it will be noted that section twenty-~~xxx~~ seven provides that the rolls shall in all other respects be made in strict compliance with the provisions of section twenty one of the act of June 28th 1898 and taking these different sections together we do not see how under the law the Commission is justified in the enrollment of any person who has not heretofore removed to and in good faith settled in the Cherokee Nation, this being the Nation in which this applicant Pruea L. Rowland claims citizenship, and as the testimony and the decision in this case shows that the applicant has resided without the limits of the Cherokee nation for the past twenty-~~xxxxx~~ years, we submit that Pruea L. Rowland is not entitled to be enrolled as a citizen of the Cherokee nation under existing law.

The record in this case shows that Eljerry Fleetwood and others made application to the Commission to the Five Civilized Tribes in 1896 for admission under the act of June 10, 1896 and on November 24th 1896 an entry appears to have been made on the docket showing that ~~among others~~ Eljerry Fleetwood and others among whom appears the name of the applicant who was then Pruea Johnson, ~~xxxxx~~ showing that they were admitted as citizens of the Cherokee nation by blood. The record shows that an appeal was taken to the United States Court for the Northern District of the Indian Territory and a decision was thereafter rendered by said court declaring that certain persons including Eljerry Fleetwood and others were entitled to enrollment as citizens of the Cherokee Nation by blood and the record shows that the name of this applicant was not included in the list of persons admitted by the court on appeal.



#3.

The record in this case also shows that this applicant was not an applicant before the Commission in 1896, that her name is not included in the list of persons who applied to the Commission in the original applications in the year 1896 but that the only time the name of the applicant herein appears is upon the docket of the Commission.

The Cherokee nation therefore contends that the applicant Pruea L. Rowland was not an applicant before the Commission in 1896 and that she should not now be enrolled as a citizen of the Cherokee nation.

We submit that for the reasons above stated and because the applicant Pruea L. Rowland has not removed to and in good faith settled in the Cherokee nation, "THE NATION IN WHICH SHE CLAIMS CITIZENSHIP", she is not entitled to be enrolled as a citizen of the Cherokee nation.

Respectfully Submitted,

*W. W. Hastings*  
Attorney for the Cherokee nation.

Attest:

*J. L. Turner*  
-----  
Stenographer for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., DECEMBER 18, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of THOMAS RILEY ET AL., as citizens by blood of the Cherokee nation.

PRUEA E. ROLAND, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Pruea E. Roland.  
Q How old are you? A 51 years old.  
Q What is your post office? A Haskell.  
Q Are you a Cherokee by blood? A Yes sir.  
Q You desire to give testimony in regard to the ages of your wards, Thomas and Susan Riley do you? A Yes sir.  
Q When was Thomas Riley born? A I ~~am~~ sent the dates all in to you, I can't recollect anything.  
Q When was Susan born? A I don't know the year.  
Q Do you think you gave the ages correctly when you applied for their enrollment in 1902? A I taken off the paper just as their mother had it before she died.  
Q Did you take it off the paper when you applied for their enrollment? A I taken it off the paper their mother had put it down.  
Q Do you think their mother had it down correctly? A She had Thomas correctly, but the girl we never could tell just exactly what date she was born.

ED RILEY, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Ed Riley.  
Q How old are you? A 28.  
Q What is your post office? A Haskell.  
Q Are you a Cherokee by blood? A Yes sir.  
Q Do you know Thomas Riley? A Yes sir.  
Q His sister Susan? A Yes sir.  
Q Do you know anything about Thomas' age? A November 30, 1885.  
Q Is that when he was born? A Yes sir.  
Q How do you know? A That is what I suppose, their mother or some of his relation has written it down on some book, and that is the way it was found as written on the book.  
Q Was that written the same as Mrs. Roland gave when she applied for their enrollment? A Yes sir.  
Q Do you know when Susan A. was born? A It was two years after Thomas Riley was born I suppose. It was about 1887.  
Q How do you know that? A That is as near as we can get by guessing.  
Q Has Susan A. ever been married? A Yes sir.  
Q She is married? A Yes sir.  
Q What is the name of her husband? A Barnett.  
Q What is his full name? A Thomas Barnett.  
Q Is he a citizen of the Cherokee Nation? A Citizen of the Creek Nation.  
Q When were they married? A 1904.  
Q Do you know the month? A No sir, I don't.

FRUEA E. ROLAND RECALLED:

ON BEHALF OF THE COMMISSIONER:

- Q Do you know the month in which Susan A . Riley was married? A I don't know the year but it was the 14th of March.
- Q Ed Riley says it was during the year 1904, do you think that is correct. That would be a year ago last March? A Yes sir, about that I guess.
- Q You gave the ages of these children as correctly as you knew when you applied for their enrollment? A I said once I did, for I looked where their mother had put their names down on this book, and this boy went to his grand-mother two months ago, and she sent me his age but didn't mention the age of the girl and I don't remember, but she was born just a little before Christmas.
- Q And you gave their ages when you applied for their enrollment as correctly as you know them now? A Yes sir, as correctly as I know them.

-----oO-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lessley*

Subscribed and sworn to before me this 20th day of December, 1905.

*Myron White*  
Notary Public.

C O P Y.

Cherokee D 1353.

Muskogee, Indian Territory, October 11, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:-

There is herewith transmitted the record of the proceedings had in the matter of the application for the enrollment of Pruea L. Rowland, Ed Riley, Thomas Riley and Susan A. Riley, as citizens by blood of the Cherokee Nation, including a decision signed by Commissioners Bixby and Needles, granting the application of Pruea L. Rowland and denying the application of Ed Riley, Thomas Riley and Susan A. Riley, as citizens by blood; also, a decision of Commissioner Breckinridge, concurring in the decision of the other members of the Commission, in so far as the decision grants the application of Pruea L. Rowland and denies the application of Thomas Riley and Susan A. Riley, but dissenting from their decision denying the application of Ed Riley.

You are, hereby, advised that you will be allowed 15 days from date hereof, in which to file with the Commission such protest as you desire to make against the enrollment of Pruea L. Rowland.

If you fail to file a protest within the time allowed, the decision will be considered final.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enclosure H #1.

C O P Y.

Cherokee D-1353.

Muskogee, Indian Territory, October 30, 1902.

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

Dear Sir:-

You are hereby advised that the decision of Commissioners Bixby and Needles, granting the application of Pruea L. Rowland for the enrollment of herself, and denying her application for the enrollment of her minor child, Ed Riley, and her two grand-children, Thomas and Susan A. Riley, as citizens by blood of the Cherokee Nation; also, the decision of Commissioner Breckinridge concurring in the decision of the other members of the Commission, in so far as the same grants the application of Pruea L. Rowland for the enrollment of herself and denies the application for the enrollment of Thomas and Susan A. Riley, but dissenting from their decision denying the application for the enrollment of Ed Riley, a copy of which decisions were furnished you on October 11, 1902, have this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

C. R. Breckinridge,  
Commissioner in Charge.

C O P Y.

Cherokee D-1353.

Muskogee, Indian Territory, October 30, 1902.

Prues L. Rowland,

Choska, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of the proceedings had in the matter of your application for the enrollment of yourself, your minor child, Ed Riley, and your two grandchildren, Thomas and Susan A. Riley, as citizens by blood of the Cherokee Nation, including copy of a decision signed by Commissioners Bixby and Needles, granting your application for the enrollment of yourself and denying your application for the enrollment of Ed Riley, Thomas and Susan A. Riley; also, copy of a decision signed by Commissioner Breckinridge concurring in the decision of the other members of the Commission in so far as the decision grants your application for yourself and denies your application for the enrollment of Thomas and Susan A. Riley, but dissenting from their decision denying your application for the enrollment of Ed Riley.

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

The decisions, with the record of the proceedings had in the case, have this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully, C. R. Breckinridge Commissioner in Charge.

Enclosure C. No. 1.  
Register,

C O P Y.

Cherokee D-1355.

Muskogee, Indian Territory, October 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings had in the matter of the application of Pruea L. Rowland for the enrollment of herself, her minor child, Ed Riley, and her two grandchildren, Thomas and Susan A. Riley, as citizens by blood of the Cherokee Nation, including a decision, dated October 10, 1902, signed by Commissioners Bixby and Needles, granting said application as to Pruea L. Rowland, and denying the application for the enrollment of Ed Riley, Thomas Riley and Susan A. Riley; also, a decision of same date, signed by Commissioner Breckinridge concurring in the decision of the other members of the Commission in so far as the same grants the application of Pruea L. Rowland for the enrollment of herself, and denies the application for the enrollment of Thomas and Susan A. Riley, but dissenting from their decision denying the application for the enrollment of Ed Riley.

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,

C. R. Breckinridge,  
Commissioner in Charge

Enclosure C. No. 2.

Through the

Commissioner of Indian Affairs.

C O P y.

Cherokee D-1353.

In the matter of the application for the enrollment of Pruea L. Rowland, Ed Riley, Thomas Riley and Susan A. Riley as citizens by blood of the Cherokee Nation.

I concur in the decision of the other members of the Commission, of this date, in so far as the decision admits to enrollment Pruea L. Rowland, and denies enrollment to Thomas Riley and Susan A. Riley, and dissent from their decision denying enrollment to Ed Riley for the reason that, at the time his mother was admitted to citizenship in 1896, he was a minor, and hence acquired the same rights that she did. He has done nothing since then to forfeit these rights.

C.R. Breckinridge,  
Commissioner.

The Commission

to the Five Civilized Tribes.

Dated at Muskogee, Indian Territory,  
this October 10th, 1902.



C O P Y.

Refer in reply  
to the following  
land  
66030-1902.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Dec. 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Pruea L. Rowland, for the enrollment of herself, her son Ed Riley and wards, Thomas Riley and Susan A. Riley, as citizens by blood of the Cherokee Nation.

On October 10, 1902, the Commission rendered its decision therein as follows:

"The record in this case shows that on June 27, 1902, Pruea L. Rowland appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself, her son, Ed Riley, and her minor grandchildren, Thomas and Susan A. Riley, as citizens by blood of the Cherokee Nation.

The evidence shows that the said Pruea L. Rowland is a Cherokee by blood; that the said Ed Riley was twenty-three years of age at the date of the application herein; that he is the son of the said Pruea L. Rowland, and that Thomas and Susan A. Riley are the minor children of Joe Cox, deceased, who was the son of the said Pruea L. Rowland. None of the applicants herein are identified on any tribal

roll of the Cherokee Nation now in possession of the Commission. From the records of the Commission it appears that the applicant, Pruea L. Rowland, under the name of Pruea Johnson, was admitted to citizenship in the Cherokee Nation, as a Cherokee by blood, by the Commission to the Five Civilized Tribes under the Act of Congress, June 10, 1896 (29 Stats., 721), and no appeal taken therefrom.

The evidence shows that the said Pruea L. Rowland has resided in the Creek Nation since her admission to citizenship.

It does not appear from the evidence in this case that the said El Riley, Thomas Riley and Susan A. Riley have ever been enrolled by the tribal authorities of the Cherokee Nation; neither does it appear that they, or either of them, have ever been admitted to citizenship in the Cherokee Nation by the legally constituted authorities of said Nation; nor does it appear that they or either of them, have ever been admitted to citizenship in the said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress, June 10, 1896 (29 Stat., 321).

The Act of Congress of May 31, 1900 (31 Stat., 221), provides:

'That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled

or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.'

It is, therefore, the opinion of this Commission, that Pruea L. Rowland should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 18, 1898, (30 Stat., 495), and it is so ordered.

It is further the opinion of the Commission that Ed Riley, Thomas Riley and Susan A. Riley are not citizens of the Cherokee Nation and duly and lawfully enrolled or admitted as such; and that pursuant to the provisions of the Act of Congress, May 31, 1900, (31 Stat., 291), said Commission is without authority to receive, consider, or make any record of their applications for enrollment as citizens of the Cherokee Nation."

Commissioner Breckinridge dissents from said decision as follows:

"I concur in the decision of the other members of the Commission, of this date, in so far as the decision admits to enrollment Pruea L. Rowland, and denies enrollment to Thomas Riley and Susan A. Riley, and dissent from their decision denying enrollment to Ed Riley for the reason that, at the time his mother was admitted to citizenship in 1896, he was a minor, and hence acquired the same rights that she did. He has done nothing since then to forfeit those rights."

Section 21 of the Act of Congress approved June 28, 1898, (30 Stat., 495), provides in part that

"The Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

It appears that it is the latter part of this provision that Commissioner Breckinridge thinks applicable to the application of Ed Riley for enrollment as a Cherokee citizen. Said provision is somewhat obscure and the plain intent thereof is not readily deciphered from the language used.

The recital that

"And all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation" would seem to make one class of persons entitled to enrollment for all the elements necessary to citizenship are enumerated therein i. e. tribal enrollment and residence.

The office does not consider that it was the intention to further stipulate that such persons parents must also have been admitted to citizenship by the tribal authority as Cherokees by blood and if this is a correct view, then it is evident that another class was to be provided for, and the office considers such to be the proper construction of the laws. To make the law plain and to meet the views of the office it should read as follows:

"And all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, and all persons, 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."

Under this interpretation of said provision the said Ed Riley is entitled to be enrolled as a Cherokee citizen and the office so holds.

The record further shows that the Cherokee Nation protests against the enrollment of Pruea L. Rowland, first, on the ground that the said Pruea L. Rowland had resided without the limits of the Cherokee Nation for twenty years previous to her application on June 27, 1902, and supports the same by citing Section 1 of the Act of Congress approved July 1st, 1902, and ratified by the legal voters of the Cherokee Nation on August 7th, 1902, which provides

"The words 'nation' and 'tribe' shall each be held to refer

to the Cherokee Nation or tribe of Indians in Indian Territory," and claiming that under this section the provisions of section 21 of the Act of Congress approved June 28, 1898, (31 Stat., 495) providing "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship" must necessarily mean just what it says and that the applicant in order to be enrolled must have removed to and in good faith settled in the Cherokee Nation.

In its letter of December 13, 1902, (I.T.D. 7538-1902) relative to the application of Ezekiel C. McLaughlin for enrollment as a citizen of the Cherokee Nation, the Department rendering its decision therein, passed upon this question as follows:

"The nation protests, claiming that as the Act of June 28, 1898 (30 Stat., 495), provides that

'No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship' and in view of certain provisions in the act of July 1, 1902, (32 Stat., 716), your Commission is not authorized to enroll the applicant. December 21, 3, 1902, the Commissioner of Indian Affairs reporting in the matter, recommended that your decision be concurred in.

On April 2, 1901, in regard to the rights of Sam Mahardy in the Seminole Nation, the Department agreed with you that the word "person" in said section of the act of June 28, 1898, should not be understood to include a citizen of our tribe residing within

the limits of another tribe in the Indian Territory in which he does not hold citizenship.

The Department finds nothing in the act of July 1, 1902, warranting a different construction of said section of the act of June 28, 1898, and it therefore hereby affirms your decision."

This decision of the Department is applicable to the protest herein-hence the office holds that said protest is not well taken. The Nation makes the further protest that the applicant's name is not included in the list of persons admitted by the Court on appeal. There would seem to be no force in this protest for the reason that the absence of her name from the court records would indicate that the Nation was satisfied with the action of the Commission to the Five Civilized Tribes on November 24, 1896, admitting said applicant as a citizen by blood of the Cherokee Nation, and did not appeal from the decision of the Commission in her case.

It is therefore considered by the office that the decision of the Commission herein admitting to enrollment Pruea L. Rowland, and denying enrollment to Thomas Filey and Susan A. Riley is correct but the office considers that the said Ed Riley is entitled to be enrolled as a citizen of the Cherokee Nation and that the decision of the Commission denying same should be set aside and recommends that such be the decision of the Department.

Very respectfully,

W. A. Jones,

Commissioner.

W.C.B.  
L.

C O P Y.

D. C. 2570-1903.

W.C.P.

DEPARTMENT OF THE INTERIOR.

SVP

WASHINGTON.

7989-1902.

January 24, 1903.

WOD

The Commission to the  
Five Civilized Tribes,  
Muskogee, Indian Ter.,

Sirs:

The Department has considered the case involving the application of Pruea L. Rowland for the enrollment of herself, her son Ed Riley, and wards Thomas R. and Susan A. Riley, as citizens by blood of the Cherokee Nation, transmitted by your letter of October 30, 1902.

In a decision signed by Mr. Bixby and Mr. Needle, of your Commission, it was held that Pruea L. Rowland should be enrolled as a citizen by blood of the Cherokee Nation but that Ed Riley, her son, and Thomas and Susan Riley, her grandchildren, were not entitled to enrollment. Mr.reckinridge, of the Commission, concurs in the decision of the other members as to the enrollment of Pruea L. Rowland and the denial of enrollment to Thomas and Susan Riley, but dissents from said decision in so far as it denies enrollment to Ed Riley, "for the reason that at the time his mother was admitted to citizenship in 1896, he was a minor and hence acquired the same right that she did." The Commissioner of Indian Affairs discussed the case in full in his report of December 20, 1902, transmitting the record to this Department, and in conclusion said: "It is therefore considered ~~that~~ by the office that the decision of the Commission herein, admitting to enrollment Pruea L. Rowland, and denying enroll-



ment to Thomas Riley and Susan A. Riley is correct, but the office considers that the said Ed Riley is entitled to be enrolled as a citizen of the Cherokee Nation and that the decision of the Commission denying the same should be set aside, and recommends that such be the decision of the Department."

The Department, after examining the records and testimony, concurs in the views expressed by the Indian Office and affirms your decision in so far as it approves the application of Pruea L. Rowland and denies the applications of Thomas and Susan A. Riley. Said decision, in so far as it denies the application of Ed Riley, is hereby set aside and it is directed that said application be allowed and said Riley be enrolled as a citizen of the Cherokee Nation.

Very respectfully,

(Signed) Thos Ryan,  
Acting Secretary.

C O P Y.

Cherokee D-1303.

Muskogee, Indian Territory, February 4, 1903.

Pruea L. Rowland,

Choska, Indian Territory.

Dear Madam :

You are hereby advised that the Commission's decision, dated October 10, 1902, granting your application for the enrollment of yourself, and rejecting your application for the enrollment of your two wards, Thomas and Susan A. Riley, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 24, 1903, and on the same date the Department ordered the Commission to enroll your child, Ed Riley, as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bi xby

Acting Chairman.

C O P Y.

Cherokee D-1353.

Muskogee, Indian Territory, February 4, 1903.

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

Dear Sir:-

You are hereby advised that the Commission's decision, dated October 10, 1902, ~~granting~~ granting the application of Pruea L. Rowland for the enrollment of herself and rejecting her application for the enrollment of her two wards, Thomas and Susan A. Riley, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 24, 1903, and on the same date the Department ordered this Commission to enroll her child, Ed Riley, as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Acting Chairman.

I.T. D.  
7989-1902

(Copy of a Copy )  
FHA

J.R.W.  
W.C.P.  
S.V.P.

DEPARTMENT OF THE INTERIOR

Office of the Assistant Attorney-General,  
Washington.

October 10, 1906.

The secretary of the Interior.

Sir:

I received by reference of September 12, 1906, with request for my opinion thereon, the motion for review of departmental decision of January 24, 1903, in cases of Thomas Riley and Susan A. Riley, minors, applicants for enrollment as citizens by blood of the Cherokee Nation.

The application was made by Pruea Rowland for enrollment of herself, her minor son, Ed Riley, and her orphan grandchildren, Thomas and Susan A. Riley, living with her, who were children of her son Joe Cox, who died in 1894. The mother of the children, a Creek, or non-citizen of the Cherokee Nation, died at birth of the younger one of them, in 1838. Their children were born in the Cherokee Nation and had never been outside the Territory. Joe Cox was son of Joseph Cox, Pruea's former husband, who was a half-blood Cherokee, and was killed during the war of the rebellion. Pruea Rowland herself was half-blood Cherokee, daughter of a full-blood Cherokee mother and English father.

The Commission to the five civilized Tribes enrolled the principal applicant, Pruea Rowland. It found that her

living son Ed Riley and child son of her deceased son Joe Cox, the minors in question, did not appear to be enrolled by the tribal authorities, nor to have been admitted to citizenship by the tribal authorities, or by the Commission to the Five Civilized Tribes, or by the United States Court under the act of June 10, 1896 ( 29 Stat., 321)

Ed Riley, Thomas Riley, and Susan Riley are not citizens of the Cherokee Nation, and duly and lawfully enrolled or admitted as such; and that, pursuant to the provisions of the act of Congress, May 31, 1900 ( 31 Stat., 221), said Commission is without authority to receive, consider, or make any record of their application.

The Department held that Ed. Riley, being a minor at his mother's admission in 1896, acquired the same rights that she did, and was entitled to be enrolled; but affirmed the decision of the Commission as to the minor grandchildren Thomas and Susan A.

I am of opinion that the decision was erroneous in so far as it excluded the grandchildren. They were of Cherokee blood, born to a Cherokee citizen in the nation and to its allegiance. They had never forfeited their citizenship. Their parents being dead, the grandmother with whom they lived stood in loco parentis, and was their nearest living ancestor. They were therefore within the rule applied in case of Ella N. Tyner, subject of my opinion of April 16, 1904, wherein I expressed

the opinion that:

The admission of the grandparent, who, by death of his child, the parent, stands as parent to the orphan grandchild, must have the same effect, it not appearing that the parent had lost right to citizenship and enrollment.

I am therefore of opinion that the review should be allowed.

Very respectfully,

Frank L. Campbell  
Assistant Attorney-General

Approved: October 10, 1905.

E. A. Hitchcock,  
Secretary.

D. C. 48239-1905  
I.T.D. 7989-1902  
13418-1905

( COPY )

G.R.  
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

L R

October 16, 1905.

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

Sir:

March 30, 1905, there was filed with the Department a motion for a review of departmental decision dated January 24, 1903, (I.T.D. 7989-1902), prepared in the office of the Assistant Attorney-General for this Department in the matter of the application of Pruea L. Rowland for the enrollment of herself, her son, Ed Riley, and her minor grandchildren, Thomas and Susan A. Riley, as citizens by blood of the Cherokee Nation, wherein the Department held that Pruea L. Rowland and her son, Ed Riley, were entitled to enrollment, and denied the enrollment of the two minor grandchildren, Thomas Riley and Susan A. Riley.

Said motion for review was by the Department on September 12, 1905, referred to the Assistant Attorney-General for this Department, with request for his opinion thereon, and in an approved opinion dated October 10, 1905, (I.T.D. 7989-1902), he held that departmental decision of January 24, 1903, denying enrollment of the two minor grandchildren, Thomas and Susan A. Riley, was erroneous, and that in accordance with his opinion in the

case of Ella E. Tyner , a minor, rendered April 16, 1904, said grandchildren, Thomas and Susan A. Riley, were entitled to enrollment, and that the motion for review should be allowed.

In accordance with the said opinion of the Assistant Attorney-General dated October 10, 1906, the Department hereby grants the motion for review of departmental decision dated January 24, 1903 ( I.T.D. 7949-1902), and directs the enrollment of Thomas Riley and Susan A. Riley as citizens by blood of the Cherokee nation.

A copy of said opinion is forwarded through the Indian Office.

Respectfully,

(Signed) E. A MITCHCOCK /  
Secretary



Cherokee R 815.

Muskogee, Indian Territory, November 2, 1905.

Pruea L. Rowland,

Choska, Indian Territory.

Dear Madam:

In connection with your application for the enrollment of yourself, your son, Ed Riley, and your wards, Thomas and Susan A. Riley, you are hereby advised that this office is in receipt of Departmental letter of October 16, in which the motion for review of Departmental decision dated January 24, 1903, granting your application for the enrollment of yourself and your son, Ed Riley, and rejecting your application for the enrollment of your wards, Thomas and Susan A. Riley, is granted, and this office directed to enroll your said wards as citizens by blood of the Cherokee Nation.

You are further advised that, until the names of your wards have been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, allotment selections in the Cherokee Nation cannot be received for them.

Respectfully,

RECEIVED

*James Dixey*  
Commissioner.

LS

Cherokee R-813.

COPY.

Muskogee, Indian Territory, November 2, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of October 16, in which the motion for review of Departmental decision dated January 24, 1903, granting the application for the enrollment of Pruea L. Rowland and Ed Riley, and rejecting the application for the enrollment of Thomas and Susan A. Riley, is granted, and this office directed to enroll Thomas and Susan A. Riley as citizens by blood of the Cherokee Nation.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED:

LEWIS J.  
Commissioner.

LS  
Incl. S-67

Cherokee-10955.

Muskogee, Indian Territory, November 11, 1905.

George S. Chase,  
Bond Building,  
Washington, D. C.

Dear Sir:

In reply to your letter of November 6, you are advised that on October 16, 1905, the Secretary of the Interior directed this office, in his decision of that date, to enroll Thomas and Susan F. Riley as citizens by blood of the Cherokee Nation. Their names will be included in a schedule which will be prepared in the near future to be forwarded to the Secretary of the Interior for his approval.

Respectfully,

LS

Commissioner.

copy.

Cherokee D-10955.

Muskogee, Indian Territory, December 9, 1905.

J. L. Vaner,

Independence, Kansas.

Dear Sir:

This office is in receipt of your letter of December 6, inclosing a motion that the ages of Thomas and Susan A. Riley be corrected upon the records of this office. It is stated in said motion that Thomas Riley is enrolled as of the age of 18 years, and Susan A. Riley as of the age of 17 years in June, 1905; that said ages are incorrect, and that Thomas Riley was born on or about the 30th day of November, 1885, and Susan A. Riley on or about the 5th day of December, 1887.

The motion is returned herewith, and you are advised that if it is desired that testimony be introduced before the officials of the Commissioner to the Five Civilized Tribes as to the correct ages of these children, the same will be received on any day it may be presented and receive due consideration.

If it is desired to introduce such testimony the same should be offered at the earliest practicable date, as it is probable that a schedule of Cherokee citizens by blood will be prepared and forwarded to the Secretary of the Interior for his approval within the near future.

Respectfully,

SIGNED:  
*J. M. Beale*  
Acting Commissioner.

Incl. S-44

Cher 10956

Polly A. Sarahas

Trans. from D 345

Cher 10956

R3-5

a-

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 20 1900

*[Handwritten signature]*  
SPECIAL AGENT IN CHARGE

STATE OF DELAWARE.  
COMMISSION TO THE CHEROKEE NATION.  
WYANDOTTE, N. C., FEBRUARY 19th, 1900.

I, \_\_\_\_\_, COUNTY CLERK OF DELAWARE, do hereby certify that the following is a true and correct copy of the deposition of Polly A. Sarasas, as being sworn to by Commissioner C. P. Bradstreet, testified as follows:

- Q What is your full name? A Polly A. Sarasas.  
Q What is your age? A I do not know: About thirty nine I guess.  
Q What is your home place? A Fairland.  
Q What district do you live in? A Delaware.  
Q What is it you want to have put on the roll; yourself?  
A Myself and one child.  
Q How long have you lived as a Cherokee by blood? A Yes sir.  
Q How long under twenty-one years of age? A Yes sir.  
Q What proportion of blood do you claim? A My mother was one  
half.  
Q How long have you lived in the Cherokee Nation? A I was born  
and raised here.  
Q What was your name before it was Sarasas? A Polly A. Hurt.  
Q What is the name of your mother? A I do not know her name, Ann.  
Q Give your father's name, Sarah? A Yes sir; Sarasas; that is  
my mother's name.  
Q How long have you lived here? A Yes sir.  
Q When were you married to your husband? A In 1877.  
Q Are you on the roll of 1880? A No sir. I was 7th on that  
roll at that time.  
Q Where was that? A In the Wyandotte Nation.  
Q How did you come to the Cherokee Nation?  
A I have been back ten years.  
Q Ten years? A Yes sir.  
Q Is your husband living or dead? A He is living.  
Q Why does he not apply for enrollment? A He is not here: He  
intended to be here, but went away yesterday and missed the train  
and did not get back.  
Q Are you on the roll of 1896? A I am on all of the rolls that  
have been made lately.  
Q Give me the name of your child? A Frank Sarasas.  
Q How old is that child? A Sixteen years old.  
Q Is that child now living? A Yes sir.  
Q Give me your husband's full name? A Richard Sarasas.  
Q He is a Wyandotte, is he? A Yes sir.  
Q When did he come to the Cherokee Nation? A Ten years ago.  
Q You and he have lived here ever since, have you? A Yes sir.  
(1896 Roll, Page 529, 2741, Polly Sarasas, Delaware District)  
(1896 Roll, Page 638, 11, Richard Sarasas, Delaware District)  
(1896 Roll, Page 529, 2743, Frank Sarasas, Delaware District)

- Q What is the name of your mother? A Rachel Forrester.  
Q I thought you said your maiden name was Hurt? A I thought you  
said my mother.  
Q When she was your father's wife, she was a Hurt, was she?  
A Yes sir.  
Q Rachel Hurt? A Yes sir.  
Q Was she a Cherokee? A Yes sir.  
Q Is she dead or living? A Dead.  
Q How long since she died? A Died when I was a baby.  
Q Before 1880? A Yes sir.  
Q Was your father a Cherokee? A No sir; white man.  
Q Is he on the roll of 1880? A Yes sir.

By Mr. J. L. Baugh, Cherokee Representative:

- Q When did you go to the Wyandotte Nation? A I went there about  
three or four years before I was married.  
Q When were you married? A 1876.  
Q Where was you married? A At the residence of Mr. and Mrs.  
Laughlin.

Q You and your husband then took up your residence there after that, did you not? A Yes sir; for a while.  
Q For how long? A I can not say just how long; quite a while.  
Q You made a statement a while ago that you came back in 1890; did you and your husband live in the Wyandotte Nation until then? A Yes sir.  
Q Did you ever go before the National Council and ask admission, or readmission to Cherokee citizenship? A Yes sir.  
Q Did they admit you? A Yes sir.  
Q Have you your certificate of admission? A No sir; he said I did not need any.

By the Commission:

Q You got it, did you? A He said I did.

The applicant applies for the enrollment of herself and one child. She claims to be a Native Cherokee, but is not identified on the roll of 1880. She states that she was in the Wyandotte Nation with her husband, whom she married in 1876. She did not move to the Cherokee Nation until 1890. She is identified on the roll of 1896. She has lived in the Cherokee Nation with her husband ever since 1890. Her application at this time will be put upon a "Doubtful Card", and her child, Frank Sarahs is identified with her upon the roll of 1896. His status is substantially the same as that of his mother. His father is a Wyandotte Indian, and the application for this child will now be placed upon a Doubtful Card, and the final decision will be communicated to the applicant at her Postoffice address, and it will be forwarded to the Secretary of the Interior for his approval.

---

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

*A. R. [Signature]*

Subscribed and sworn to before me  
this 20th day of September, 1900.

*[Signature]*

COMMISSIONER.



9542

13-

SEP. 19 1900

DELAWARE,

Statement of ... Taken Under Oath.

# CHEROKEES BY BLOOD AND ADOPTION.

Date **SEP 19 1900** 1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

*Priscilla Sarasas, Fairland D.*

District

DELAWARE

Year

*1896*

Page

*529*

No.

*2741*

Citizen by blood

*Yes*

Mother's citizenship

*Hurt - w - d  
Rachel Hurt - e - d.*

Intermarried citizen

*No.*

Married under what law

Date of marriage

*1875*

License

Certificate

Names of Children:

*2 Frank*

*Sarasas*

Dist.

DELAWARE

Year

*1890*

Page

*529*

No.

*2743*

Age

Dist.

Year

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Age

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*1 Mr. P. P. ...*

*Priscilla Sarasas*

*2 " " " "*


*Frank " "*

*12245*

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

**FILED**  
JAN 23 1901



ACTING CHAIRMAN

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

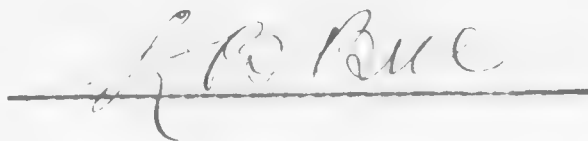
ALLISON L AYERSWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Maskogee, I. T., January 23rd, 1901.

Received of the Commission to the Five Civilized Tribes one copy  
of the testimony in the matter of the application of Polly A. Sara-  
has et al for enrollment as citizens of the Cherokee Nation.

A handwritten signature in cursive script, appearing to read "F. B. Bue", is written above a horizontal line.

ATTORNEY FOR APPLICANT.

1901

Faint, illegible text, possibly a list or report, covering the middle section of the page.

Faint, illegible text at the bottom of the page, possibly a signature or footer.

SUPPLEMENTAL TESTIMONY.

Cher. D.#345.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CHELSEA, I. T., MAY 28th, 1901.

In the matter of the enrollment of Polly A. Sarahas, et al., as citizens of the Cherokee Nation by blood, the following supplemental testimony is offered on the part of Applicants:

MARTIN HENDERSON BERRY, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

APPEARANCES:

Mr. Edgar Smith, Attorney for Applicants.

Mr. W. W. Hastings, Cherokee Representative:

- Q Give your full name. A Martin Henderson Berry.  
Q How old are you? A I am 72.  
Q What is your post office? A Fairland, Indian Territory.  
Q How long have you lived in the Cherokee Nation? A About 58 years.

BY MR. SMITH:

- Q Mr. Berry, do you know Polly A. Sarahas? A Well, sir, I know her.  
Q How long have you known her? A I have knowed her ever since peace, off and on.  
Q Do you know who her mother was? A Her mother was Rachel Foster and her father was Bill Hurt, and she was born at the Gilstrap Ferry on Grand river.  
Q About what time as well as you can remember? A Well it was along in the summer I reckon, spring or summer, along in the spring of '62, as well as I recollect.  
Q Did this woman, Foster or Forester, that you speak of have any brothers or sisters that you knew? A Yes, sir.  
Q What were their names? A Wiley Foster and Minerva Foster.  
Q Where did Wiley live? A When the war come up he lived on what they call the old Jake Alberty place, near Gilstrip Ferry, right at the ferry.  
Q Was this Mrs. Foster, who was the mother of Polly Sarahas, a Cherokee Indian? A Yes, sir, as far as I know she was.  
Q Well, what do you mean by saying as far as you know? A I don't know, Hooley Bell ain't no Indian any further than any other man as far as I know, of course they were citizens here ever since I come here.  
Q Well, did she pass for an Indian, is that your understanding? A Yes, sir.  
Q Now, do you know when her mother died, Polly Sarahas's mother? A She died in the time of the war.  
Q During the war? A Yes, sir, during the war.  
Q Well do you know where or what became of Polly Sarahas during the war? A Yes, sir.  
Q Where did you next see her? A I saw her after peace, moved right back to Gilstrap ferry, small girl.  
Q Who brought her back? A Her father.  
Q What did you say her father's name was? A Hurt.  
Q Bill Hurt? A Bill Hurt.  
Q Where is Gilstrap ferry? A It is right below this railroad about six miles.  
Q Is it in the Cherokee Nation? A Yes, sir.  
Q Well, how long did Bill Hurt as you call him, remain there when he came with with his little girl? A Remained there two or three years.  
Q Is he living or dead? A He is dead.  
Q About when did he die? A Well.  
Q About how long after he came back as near as you can remember?

A Some four or five years, maybe six I can't tell; I can't remember that far back just how long he did live.

Q When he died can you state what became of this little girl, Polly Sarahas? A Well, sir, her step-mother took her back up in the Wyandotte Nation and left her.

Q About how old was she when her mother took her back up in the Wyandotte Nation? A I say about ten or fourteen years old.

Q Some where between ten and fourteen? A Yes, sir.

Q Well what became of her if you know; did she continue to live in the Wyandotte Nation? A She lived right there until she was married.

Q Whom did she marry? A Married Mr. Sarahas, a Wyandotte Indian.

Q Richard Sarahas, or do you know his name? A I don't know, neighbor to him too.

Q Well where has she been living she she married Sarahas? A She lived a little while in the Wyandotte Nation and then he moved over here.

Q What do you mean by over here? A Over in the Cherokee Nation.

BY W. W. HASTINGS:

Q Mr. Berry, I don't believe I have got your post office address?

A Fairland, Indian Territory.

Q How far do you live from Fairland? A I live right in it.

Q How long have you lived there? A In Fairland?

Q Yes, in the neighborhood. A Well I have lived ever since the year sixty in the neighborhood only during the war.

Q You knew Mrs. Sarahas then before the war? A She was born right at the beginning of the war, '61 I reckon, as nigh as I can come at it.

Q How far is Gilstrap's ferry from Fairland? A It is about seven miles.

Q East? A Yes, sir, pretty nigh due east.

Q What river does that cross, Neosho or Grand river? A Grand river in below the mouth of Neosho.

Q Is Neosho or the Grand river the division line between the Cherokee Nation and the Wyandotte? A Yes, sir.

Q What was Mrs. Polly Sarahas' father's name? A It was Hurt, William Hurt.

Q On which side of Grand river did William Hurt live in 1861?

A He lived on the west side.

Q Was William Hurt himself a Cherokee by blood? A No, sir, he was a white man.

Q You claim that his wife who was Polly Sarahas' mother was a Cherokee by blood? A Yes, sir.

Q And recognized Cherokee? A Oh, yes.

Q Well, after the war was over you saw this applicant directly after the war, you state? A Yes.

~~I remember her name but then she died & she, yes~~

Q Her mother was dead then was she? A Oh, yes.

Q And her father married another woman? A Yes, sir.

Q And then Polly was taken across over into the Wynadotte country? A Yes, sir.

Q She married a Wyandotte didn't she? A She married a Wyandotte, sir.

Q She testifies that she went there prior, two or three years before '76? A Well I can't say what time she went there, but it was since the war.

Q And she testified that she came back here about the year '90, is that correct? A (No response.)

Q About eleven years ago when she come back? A Well I guess it is about correct, because they have got a big farm right this side of Vinita, they have got a big farm there, I guess she is right.

Q Then this woman lived there about 17 or 18 years over in the Wyandotte country? A I guess so, sir.  
Q And her husband was a citizen over there? A Yes, her husband was a citizen in Wyandotte, but he is living inside of the Cherokee Nation, he has got land himself over there; he is a Wyandotte but she would not hold her and her children.

BY COM'R BRECKINRIDGE:

Q Mr. Berry, do you know whether Polly Sarahas owned any property in the Cherokee Nation while she was living with her husband in the Wyandotte Country? A I do not, I don't know.  
Q Well, do you know whether she was living in the state of Kansas or up on the Wyandotte Reservation? A She was up on the Wyandotte Reservation right South of Seneca, down away below Kansas.  
Q You speak of not permitting herself to be recognized or enrolled or something of that sort as a Wyandotte; did you know anything about that? A I don't guess, sir, that she was ever enrolled as a Wyandotte.  
Q Do you know anything about that? A I know only, know they always called her a Cherokee.  
Q Were you living there in the Wyandotte country? A I was living joining on the river about eight miles from where they lived.  
Q I understand you to say that she is generally recognized there as a Cherokee and not a Wyandotte? A Yes, sir.

COM'R BRECKINRIDGE: This will be filed as supplemental testimony case D. #345, and attention will be called to it on the card.

A set of this testimony will also be filed with the case of Alberta Long, D. #347, and a note will be made of it on her card.

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

*J. O. Rosson*

Subscribed and sworn to before me this 29th day of May, 1901.

*A. M. Breckinridge*

Commissioner.



C D. 345.

27 345

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

15 day of Feb, 1902  
*Walter S. Smith*

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**  
FEB 17 1902

## NOTICE!

IN THE MATTER OF the application of Polly A. Sarahas  
for enrollment as Cherokee citizens:  
Case No. D **345**

To Polly A. Sarahas or Mellette & Smith her attorneys..

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 February 25th, 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 14th day of February, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

D. 345-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE UNDEVELOPED TERRITORIES

FILED  
FEB 25 1903

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Seneca Indian Training School,  
Wyandotte, Quapaw Agency, I. T.

February 17, 1902.

To Whom it may concern, I hereby certify that Polly A. Sarahas received no allotment in any of the reservations in this Agency, and that the allotments received by her children in the Wyandotte Reservation, Quapaw Agency, Indian Territory are as follows:

Elmer Sarahas, son, deceased, E/2 of SE/4-Sec. 18-T. 27-R. 25 and E/2 of NW/4 of Sec. 32- T. 27- R. 25, containing in all 40 acres.

Alberta Sarahas Long, daughter, W/2 of SE/4 Sec. 18- T. 27- R.25 and W/2 of NW/4 of Sec. 32- T. 27- R. 25, containing in all 40 acres.

Frank Sarahas, son, Lot 1- NW/4 of Sec. 17- T. 27- R. 25 and Lot 4- SE/4 of Sec. 18- T. 27- R. 25, containing in all 34.51 acres.

I further certify that no children of Alberta Sarahas <sup>Long</sup> received any allotment on any Reservation in this Agency. <sub>x</sub>

The above named children of Polly A. Sarahas are members of the Wyandotte Tribe of this Agency which tribe receive no annuities from the U. S. Government.

Certified to by me, this 17<sup>th</sup> day of February 1902.

(Signed) Horace B. Durant


Superintendent and Acting

U. S. Indian Agent.

---

I, the undersigned, Chief Clerk of the Cherokee Land Office and custodian of the records of said office, hereby certify that the foregoing is a true and correct copy of the original on file in said office.

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

  
John H. Ransom

Notary Public.

CH 800

H

transcribed and sworn to before me this 14th day of April, 1935.

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

WALTER H. ...

THE CHAIRMAN

Comptroller.

"R"

Cherokee 345.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 25, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Polly A. Sarahas for enrollment as a Cherokee citizen.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., Attorneys for the applicant;  
Mr. W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter on February 6th, 1902, that this case would be taken up by the Commission for final consideration on the 25th day of February, 1902. The applicant this day appears by her attorneys, Mellette & Smith, Vinita, Indian Territory.

(Four witness sworn)

L.B.BELL, being sworn and examined on behalf of the applicant, testified as follows:

BY MR. MELLETTE:

Q State your name? A L. B. Bell, 63, Vinita.  
Q Do you know the applicant, Polly A. Sarahas? A Yes sir.  
Q How long have you known her? A Since about '72.  
Q Where was she when you first got acquainted with her? A Delaware District, Cherokee Nation.  
Q How old was she at that time? A She looked like she might be 12 or 13 years old.  
Q Who was she living with? A With her father, William Hurts.  
Q Do you know her mother? A Yes sir.  
Q Where were they living? A Her mother was dead at that time.  
Q Where was she living with her father? A At the mouth of Cabin Creek, what is known as Pensacola post-office now.  
Q Cherokee Nation? A Cherokee Nation.  
Q What do you know about her blood? A Well I only know this much; I was acquainted with her mother, that is Bill Hurts' wife, said to be her mother. Her name was Rachel Forester; she was a sister of Wiley Forester, of the family of folks that lived on the Verdigris they were Cherokees, and this woman married Bill Hurts along about '58 or '9, at the beginning of the war, and they moved up to Grand River, about Gilstrap's Ferry, and she died, I never saw them any more until after the close of the war; he moved into my neighborhood and had this girl with him and kept her there after that. And she was proved up before the Old Settler Cherokee roll as a Cherokee; I was in there with her, and there she was enrolled and paid the money that was due her mother on that account.

BY MR. HASTINGS:

Q What do you say her mother's name was? A Rachel Forester I think.  
Q Did you know her mother personally? A Yes; lived right in the house with her for a while.  
Q When? A Along about '57 or '8.  
Q Did you know her after she married Hurt? A No sir, I never saw her after that.  
Q You never saw her then after '57 or '8? A I never saw her after within a year I reckon before she married Hurt; she was a single woman the last time I saw her; I heard afterwards she married Bill Hurt.  
Q Then who the mother of this girl was is hearsay to you? A Wholly, except-  
Q You never knew that Rachel Forester after her marriage to Hurt at all? A No sir.  
Q She was dead after the war when you knew Hurt? A She must have died in '62 or '3 from what I could learn of her. I was then grown;

I never saw her after I left Wiley Forester's house.

Q And you saw this girl in '72 or '3 afterwards? A About '72 I reckon. They lived right there in my neighborhood and left there, Bill Hurt died there and he had married a state woman and she moved out, into the Miami Nation and took this girl with her, and she has been there I guess ten years.

Q Well this woman is not on the 1880 roll? A I don't think she is; she never was recognized as a citizen of the Cherokee Nation up until the Strip payment of 1894 was she? A Not by any official act as I know about.

BY MR. BELLETTE:

Q You say she was recognized by the old settlers? A Oh yes, Polly here proved before the Commission and was put on there and dres her mother's part of the old settler money.

BY MR. HASTINGS:

Q That is a matter of record? A Yes sir.

BY MR. HASTINGS: Then I object to that testimony.

Q That isn't a blood roll is it, the heirs of people that are on that roll? A Not necessarily.

Q Person is not necessarily a citizen that's an heir to the person that's on that roll? A No, that's my judgment, that they wouldn't have to be a citizen.

Q Fact of the business is you know some of them are in California ~~that~~ and elsewhere not recognized citizens who heired part of that money? A Yes sir, I know there are some living out of the country that's not citizens, and I expect you would kick on them if they was to appear here.

TESTIMONY TAKEN ON BEHALF OF THE CHEROKEE NATION:

ALEX COPELAND, being first duly sworn, and being examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A Alex Copeland.

Q What is your age? A 62 years.

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

Q How far is that from Fairland, how far do you live from Fairland? A About eight miles south.

Q That is in Delaware district? A Yes sir.

Q You are a Cher kee by blood? A Yes sir.

Q Recognized citizen? A Yes sir.

Q Do you know Polly A. Sarahas? A I know her when I see her, I aint personally acquainted with her.

Q How long have you lived in the vicinity of Fairland? A I have lived there off and on ever since '59.

Q Did you know ~~this name~~ these Forester's that lived around Gilstrap's ferry? A I never knowed any Foresters living around Gilstrap's Ferry at all.

Q Do you know Will Hurt? A Yes sir, I saw him.

Q When did you know him? A I knowed him '67 and '68, after the war.

Q Did you know him before the war? A No, I didn't know him before the war.

Q Did he have a wife when you knew him? A I don't recollect whether he did or not.

Q Where did he live at that time? A He lived at Gilstrap's Ferry.

Q That was how far from Fairland? A They call it about six miles.

Q How long have you know n this woman Polly Sarahas? A I have knowed of her ever since '67.

Q I will ask you if she has been recognized as a citizen of the Cherokee Nation? A Never was that ever I knowed of.

BY MR. BELLETTE:

Q That is a matter of record too, if you are going to confine us to the record; I object to that testimony, because it is a conclusion of law.

Q You never knew of her being recognized? A No sir.  
Q You never heard her being called a citizen up there? A Never did.  
Q You knew of her living up there since '59?? A Off and on I have.  
Q You know Martin H. Berry, who lived up there? A Yes sir.  
Q He testified as a witness in this case; what has become of him since he testified? A I heard he went to Missouri.  
Q He has left up there? A Yes sir.  
Q Did you ever talk to him about Polly A. Sarahas? A -  
BY MR. MELLETTE: I object to it, because it I suppose is to contradict the testimony of the witness, and they didn't lay the foundation for it by asking him if he had any talk any such conversation with this man.

BY COMMISSION: Objection is noted; answer the question.

A Yes.

Q What was it? A When the Dawes Commission was at Fairland Mark Berry come to me and said, "Alex, what you going to do about this Sarahas woman?" I says, I don't know, what you going to do about it? Says he: "She is a white woman." I says, yes. That is the all the conversation we had.  
Q That is while the Commission was at Fairland? A Yes sir.  
Q Was that in the summer of 1900 when they first started out?  
A When they first started out,  
Q Any other Sarahas woman out there than this one? A None that ever I heard of.  
Q This Sarahas woman had a sister up there somewhere hasn't she?  
A They said she has one, I aint acquainted with her.  
Q Where does she live? A I think she lives in Seneca, Missouri.  
Q You know where this Sarahas woman has lived? A No I don't know she has been there in the neighborhood off and on a good while.  
Q Well about how long? A Well I think ever since about '67.  
Q Well has her sister been claiming any rights over there that you heard of? A None that ever I heard of.  
Q You have lived in that section of Delaware District ever since the war have you? A Yes sir, I come there in '68 to where I am living now, and been there ever since.  
Q You lived there a while before the war? A I was there before the war, I was there in '55.  
BY MR. MELLETTE:  
Q Now do you say this Polly Sarahas has a sister? A That is what they say, yes.  
Q Well you know she has a sister? A No sir.  
Q Don't you know she has not any sister? A No.  
Q Never had a sister in her life? A No I don't know that.  
Q Then you are not going to swear that she had a sister? A No.  
Q You are going to take that back? A I wont swear that she has got a sister; they say she has got a sister.  
Q Who says? A Mr. Audrain says she has got a sister.  
Q I will ask you again if you don't know that she never had a sister, in her life? A No sir, I don't know.  
Q You don't know that she has, do you? A I don't know that she has or ever had.

W. SCOTT AUDRAIN, being first duly sworn and being examined, testified as follows:

BY MR. HASTINGS:

Q What is your name? A W. Scott Audrain.  
Q Where do you live? A I live near Fairland, Indian Territory.  
Q You know Polly Sarahas? A Yes sir.  
Q How long have you known her? A I have known her about 35 years.  
Q You didn't know her father or her mother did you? A I know her father.  
Q Where was this woman living when you first knew her? A When I first knew her she was living near Gilstrap's Ferry.  
Q Married to her present husband? A Who, this Polly A. Sarahas?  
Q Yes? A No, she was an infant then, a child.



Q Where was she living then? A Living with her father, near this Gilstrap's Ferry.

Q Do you know her mother? A No sir. I don't reckon I know her mother. Mr. Hurt had a wife but I don't know it was her mother.

Q How far did you live from the Gilstrap Ferry? A It is about five miles where I lived at that time, where I live now it is about eight miles.

Q You have lived in that neighborhood ever since haven't you?

A Yes sir, I have lived always on my father's place until I settled where I live now.

Q Has Polly A. Sarahas been recognized by the community up there as a citizen? A -

BY MR. MELLETTE: I object to that question.

BY COMMISSION: Objection is entered; answer the question.

A No, she has never been recognized as a citizen.

Q You know whether she has a sister or not? A I know there was two girls lived in the same family in '67, back that far; that was of course that's going a long ways back, I don't know positively, that they were sisters, but they were ~~living~~ represented to be sisters, as Mr. Hurts' daughters, there was 2 of them.

Q Where is the other one? A Well the last time I saw them together was in Seneca Missouri.

Q You know whether this woman ever lived over in Seneca, this Polly Sarahas? A Yes sir, she has lived there with this one, her sister, awhile.

Q Now before that Strip payment in 1894, did you ever hear this woman ever claim to be a citizen of the Cherokee Nation? A No sir.

Q You are well acquainted with these older citizens up there around that country? A Yes sir. Now understand me in this matter: I heard before that Bill Hurt claimed a right, and these two girls it was my understanding that they was white girls, that he had been married a number of times, that is the way I always understood it.

Q But you never heard of her being recognized as a citizen up there before that Strip payment or since for that matter? A No.

BY MR. MELLETTE:

Q You say you knew the applicant in '67? A Yes sir, I got back '67, I don't know, but the war, - it was '66.

Q She was living in the Cherokee Nation at that time? A Living in the Cherokee Nation, her father was, and this family near this ferry.

Q Didn't you know the wife of her father at that time was not this woman's mother? A Well sir, that was my understanding, that his wife - that when I knew these children was ~~that~~ this applicant's mother.

Q Don't you know that the other girl that was there was a half sister of this girl? A I don't know.

BY MR. HASTINGS

Q You know Martin H. Berry? A Yes sir.

Q How far did he once live from Fairland, last year or two years ago? A Why last two or three years he has been living in Fairland.

Q Does he live there now? A Well he has been staying with his son in Fairland, he has no family.

Q Is he staying with his son now? A He has not been there for the last six months and I was asking his son about him and he said he had went to Missouri.

Q Did you ever talk to him about this woman? A I ~~was~~ why yes I have talked with him frequently.

Q Just tell it; with reference to her citizenship? A Why, at the time of the Dawes Commission up there he come to me personally and commenced inquiring of me what I knew about this case and we talked about it, and he told me -

BY MR. MELLETTE: I object to that testimony.

BY COMMISSION: Objection is noted; answer.

A con: He told me he didn't know that this was Rachel Forester's daughter; Mr. Berry told me he didn't know that this was Rachel Forester's daughter, right at the Dawes commission tent.

BY MR. MELLETTE:

Q Didn't Mr. Berry come from Missouri when he came to testify in that case down at Chelsea, hadn't he been in Missouri before he testified in this case? A Not any length of time. He went on a visit in Missouri and stayed a while; his native home has been in the Territory constantly. Q But he come from Missouri when he testified in this case? A I don't know when he testified.  
Q He had been in Missouri before he testified hadn't he; he testified at Chelsea in June, hadn't he been in Missouri before that? A This last June?  
Q May 28, hadn't he been in Missouri before that, and didn't he come from Missouri when he came to testify? A I could not say positive; he has been to Missouri; he has been back to visit his friends; some of his relatives I should have said; I don't know, I wouldn't be positive, he might have been there when he testified in that case.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANT.

POLLY A. SARAHAS, being first duly sworn and being examined testified as follows:

BY MR. MELLETTE:

Q Polly A. Sarahas isn't it? A Yes sir.  
Q Mrs. Sarahas, the witness Mr. Audrain testified about seeing a young girl with you at your father's house in '67, or along about that time, who was she? A That was my father's sister.  
Q Did you ever have any full sister? A No.  
Q Did you ever have a half sister? A I had a little small half sister when my father died; I had a step-mother.  
Q What was your half-sister's name? A Annie Hurt.  
Q Was her mother your mother? A No sir.  
Q Different mothers? A Different mothers.  
Q Where does she live now? A I don't know where she is, she fixed left me when I was a small child.  
Q The witness, Mr. Audrain, testifies about seeing you in Seneca, Missouri, who were you with there? A I never lived at Seneca I never was out of the Territory only in the Wyandotte Territory.  
Q Well do you remember of ever going or being in Seneca with your half sister? A No sir; my half sister was ~~becky~~ away from me when she was eight years old and I have never seen her since.

BY MR. HASTINGS:

Q Wasn't your half-sister- didn't she marry a Shoemaker? A I never had any to marry.  
Q Did your father's sister marry one over there in Seneca? A No sir, my father's sister id dead; she was never married.  
Q You never stayed with anybody around Seneca? A No sir.  
Q You never stayed there a week at a time? A No sir, I lived in the Wyandotte Nation with a lady, Mrs. Laughlin.  
Q You never got any money from the Cherokee Nation up until 1894 did you? A I drew three payments from the Cherokees.  
Q When? A I drew at the court house.  
Q What years? A I don't know how long it has been.  
Q Well, before 1894 though? A Oh it was when the last payment was paid there at the court house, I don't know what year it is.  
Q Mr. L. B. Bell was your attorney then? A No sir,  
Q He didn't act for you during that strip payment? A Yes in the Strip payment.  
Q He acted for you as your attorney? A Yes sir.

ELIZABETH NOBLE, being first duly sworn and being examined testified as follows:

BY COMMISSION:

Q Whatis your name? A Elizabeth Noble.  
Q What is your post-office address? A Vinita.  
BY MR. MELLETTE:  
Q Are you the wife of W.H.Noble? A Yes sir.

Q Do you know the applicant, Polly A. Sarahas? A Yes sir, I knew her.

Q Well where did you know her first? A My first acquaintance with her was in the Wyandotte Nation.

Q Was she regarded as a citizen in that Wyandotte Nation in that Miami Country? A She was spoke of as a citizen of the Cherokee Nation.

Q Didn't claim citizenship over there? A Oh now, not that I know of. I never heard anything that way.

BY MR. HASTINGS:

Q When did you know her there? A '73, when she was a girl.

Q Husband of a Wyandotte? A Yes sir.

Q Who spoke of her as a citizen of the Cherokee Nation? A Mrs. Laughlin.

Q Who was Mrs. Laughlin, Wyandotte? A Wyandotte.

Q She was not a Cherokee, Mrs. Laughlin? A No sir, she was a Wyandotte.

Q That is all the woman you ever heard speak of her as a citizen of the Cherokee Nation? A No, I heard several of them speak of her as a Cherokee; I asked what girl that was staying with Mrs. Laughlin and they said it was a Cherokee girl.

BY COMMISSION: The following is offered in evidence by the Cherokee Nation:

"Seneca Training School,  
Wyandotte, Quapaw Agency, I.T., February 17, 1902  
To whom it may concern:

I hereby certify that Polly A. Sarahas received no allotment in any of the reservations in this agency, and that the allotment received by her children in the Wyandotte reservation, Quapaw Agency, Indian Territory, is as follows:

"Elmer Sarahas, son, deceased; E. 1/2 of S.E. 1/4 Sec. 18, T. 27 R 25 N, E 1/2 of N.W. 1/4 of Sec. 32, T 27 R 25 containing in all 40 acres.

Alberta Sarahas Long, daughter, W 1/2 S.E. 1/4 Sec 18, T. 25, R. 25; W 1/2 N.W. 1/4 of Sec 32, T. 27, R 25, containing in all 40 acres.

Frank Sarahas, son, lot 1, E. N.W. 1/4 sec. 17 T 27 R 25; lot 4 N.E. 1/4 sec. 18, T 27 R 25, containing in all 34.50.

I further certify that no children of Alberta Sarahas Long received any allotment on any reservation of this agency.

The above named children of Polly A. Sarahas are members of the Wyandotte tribe of this Agency, which tribe received no annuities from the U.S. government.

Certified to by me this 17th day of February, 1902.

Horace B. Durant,  
Superintendent and acting United States  
Indian Agent."

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation submit this case to the Commission and same is ordered closed and reported to the Commission for decision, based upon the evidence now of record. The attorney for the applicant requests and will be granted 15 days in which to file in this case a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation.

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

M.D. Green

Subscribed and sworn to before me this February 28, 1902.



Commissioner.

**FILED**  
DEC 9 1904  
**COMMISSION TO FIVE TRIBES.**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
CHEROKEE, I. T., OCTOBER 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Polly A. Sarahas et al., as citizens by blood of the Cherokee Nation.

MARY BROWN, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Mary Brown.
- Q How old are you? A About 63, I don't know exactly.
- Q What is your post office address? A Ketchum, I. T.
- Q Are you acquainted with Polly A. Sarahas? A Yes sir, slightly acquainted with her now.
- Q How long have you known her? A I knew her before the war when she was a small child, back to childhood.
- Q Where did she live at that time? A She lived at the Alberty place near the old Gilstrap Ferry.
- Q What District? A Delaware.
- Q With whom was she living when you first knew her? A With her father.
- Q What was his name? A William Hurt.
- Q Was her mother living at that time? A Yes sir.
- Q What was her mother's name? A Elizabeth Hurt.
- Q Do you know what her maiden name was? A Yes sir.
- Q What was it? A Rachael Forester.
- Q How long did you know the mother of Polly A. Sarahas? A I knew her when she was a girl.
- Q Before she married Hurt? A Yes sir.
- Q Was William Hurt a white man? A Yes sir so far as I know.
- Q What nationality was Rachael Forester? A She was a Cherokee as far as I know, never heard nothing to the contrary.
- Q Was it your understanding that she was a Cherokee Indian by blood?
- A Yes sir.
- Q Do you know how much Cherokee blood she claimed to possess? A No sir.
- Q From her looks would you have judged her to be a Cherokee Indian?
- A Yes sir.
- Q About what proportion of blood would you judge her to have had?
- A I suppose she would be about one-eighth.
- Q Do you know whether or not this Rachael Forester had any brothers or sisters? A None but the one.
- Q Just one child? A One brother.
- Q What was his name? A Willey Forester.
- Q Is he living? A No sir.
- Q How long has he been dead? A He got killed during the war.
- Q Are the parents of the applicant, Polly A. Sarahas, living, either of them? A No sir, both of them are dead.
- Q When did the mother die? A I couldn't tell you, sometime during the war or just after.
- Q Before the 1880 roll was made? A Yes sir.
- Q Where has Polly A. Sarahas been living since you knew her? A I couldn't tell you, she lives now near Fairland.
- Q Do you know how long she has lived there? A No sir.
- Q Are you a Cherokee Indian by blood? A Yes sir.

- Q Have always been so recognized? A Yes sir.  
Q Never have been any question about your citizenship? A No sir.  
Q What proportion of Cherokee blood would you judge that Polly A. has? A That is to her, I don't know.  
Q Have you any idea? A No sir, I can't say.  
Q You would not like to make an estimate at all? A No sir.  
Q Is her husband living now? A Yes sir.  
Q What is his name? A I can't tell you the names I can't speak.  
Q Is he a Cherokee Indian? A He is a Wyandotte is what he passes for.

This was all the testimony submitted in this case on this date.

H. W. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

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

*H. W. Vance*  
*Charles H. Janyer*  
Notary Public.

*PPS*  
*DBA*

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

In the matter of the application for the enrollment of Polly A. Sarahas, et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Polly A. Sarahas, et al.                      Cherokee D-345,  
Alberta Long, et al.                         Cherokee D-347.

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

THE RECORD IN THIS CASE SHOWS: That on September 19, 1900, Polly A. Sarahas appeared before the Commission to the Five Civilized Tribes, at Vinita, Indian Territory, and made application for the enrollment of herself and her minor child, Frank Sarahas, as citizens by blood of the Cherokee Nation. On the same date Alberta Long (nee Sarahas), appeared before the Commission to the Five Civilized Tribes and made application, for the enrollment of herself and her minor child, Elmer L. Long; and subsequently she filed with the Commission an affidavit showing the birth of the said Elmer L. Long, which was filed with and made a part of the record in this case. Subsequently and on February 25, 1902, William Lucien Long, infant child of the said Alberta Long, was listed for enrollment on the filing of proper proof of birth, which is made a part of the record herein.

Further proceedings were had in this case at Chelsea, Indian Territory, on May 28, 1901, at Muskegee, Indian Territory, on February 25, 1902, and October 18, 1904.

The record herein further shows that the principal applicant, Polly A. Sarahas (nee Hurt) was born in the Cherokee Nation about 1861; that her mother, Rachel Hurt (nee Forester) who died about 1862 or '3, was identified with and recognized as a Cherokee citizen; that Polly A. Sarahas resided in the Cherokee Nation from the date of her birth until 1873, when she was taken by her step-mother to the Wyandotte Nation, Indian Territory, where she grew to womanhood and married her husband, Richard Sarahas, a Wyandotte Indian. As the issue of this marriage, Alberta Sarahas and Frank Sarahas were born. It is further shown from the record herein that on May 7, 1899, said Alberta Sarahas was married to William P. Long, a Wyandotte Indian, and as the issue of this marriage, Elmer L. Long and William Lucien Long were born.



The evidence herein further shows that Polly A. Sarahas resided in the Wyandotte Nation from about 1873 until about 1890, when she and her said husband, with their minor children, Frank Sarahas and Alberta Sarahas, returned to the Cherokee Nation, and have since made their home continuously therein. The applicants, Polly A. Sarahas, Frank Sarahas and Alberta Long, are duly identified upon the 1896 Cherokee Census Roll.

The evidence herein further shows that the said Frank Sarahas and Alberta Long are recognized citizens of the Wyandotte Nation; and as such have received allotments of land therein.

Following the decision of the Department in the case of Nancy Sky, et al., (I. T. D. 4991-1902), Frank Sarahas and Alberta Long forfeited their rights to citizenship in the Cherokee Nation when they were recognized as citizens of, and took allotments of land in, the Wyandotte Nation, and by virtue of said forfeiture on the part of said Alberta Long, prior to the birth of her minor children, Elmer L. Long and William Lucien Long, who claim their rights as Cherokees solely through their mother, they can have no rights as citizens of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), Alberta Long, Elmer L. Long, William Lucien Long and Frank Sarahas are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of said section twenty-one of the Act above cited, Polly A. Sarahas is entitled to enrollment and her application is therefore granted.



\_\_\_\_\_  
COMMISSIONER.

Dated at Muskogee, Indian Territory,  
this SEP 29 1905

6

1915

FEE 1910

COMMISSIONERS  
HENRY L. DAWES,  
TAMM 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 6,

1002

Mrs. Polly A. Barham,

Fairland, Indian Territory.

Sir:

You are hereby notified that the application of **yourself and one minor**

**child**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

**25th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to Hallett & Smith  
Vinita, I.T.  
Cherokee D-548  
Register.

Yours truly,

Acting Chairman.

Cherokee D-345.  
Cherokee D-347.

Vinita, Indian Territory, February 25, 1903.

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

Gentlemen:

I have the honor to transmit herewith, the records in the matter of the applications of Polly A. Sarahas, et al., Cherokee D-345, and Alberta Long, et al., Cherokee D-347, for enrollment as citizens of the Cherokee Nation.

It does not appear that any decisions have been prepared in these cases and the same are forwarded for the consideration of the Commission. If any further testimony is considered necessary, I respectfully recommend that the record be returned with a statement of the evidence desired.

Respectfully,

Clerk in Charge.

Encl. P-90.

RP

Cherokee D345-347.

Tahlequah, Indian Territory, November 4, 1903.

Polly A. Sarahas,

Fairland, Indian Territory.

Dear Madam:

You are hereby notified that in order to complete your application for enrollment as a citizen of the Cherokee Nation it will be necessary to introduce further testimony as to the citizenship of your mother. If your step-mother is living her testimony might be material in this connection and should be presented at the offices of the Commission at Tahlequah, Indian Territory, at as early a date as possible.

Allotment certificate cannot be issued to you until your right to enrollment as a citizen has been finally determined.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

EGR.

COPY.

Cherokee D-345.

Muskogee, Indian Territory, November 28, 1904.

Judge Smith,

Attorney for Polly Sarahas,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of November 19, asking to be advised as to when you may expect a decision in the matter of the application for the enrollment of Polly Sarahas as a citizen of the Cherokee Nation.

In reply, you are advised that this matter will be taken up in the near future.

Respectfully,

*I. E. Meade*  
Commissioner in Charge.

COPY.

Cherokee D-345.

Muskogee, Indian Territory, December 9, 1904.

Edgar Smith,

Attorney for Polly A. Sarahas, et al.,  
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on October 16, 1904, in the matter of the application for the enrollment of Polly A. Sarahas, et al., as citizens by blood of the Cherokee Nation, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

SIGNED

*Tams Dixby.*

Chairman.

Incl. S-75.

COPY.

Cherokee D-345.

Muskogee, Indian Territory, December 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental proceedings had at Muskogee, Indian Territory, on October 18, 1904, in the matter of the application for the enrollment of Polly A. Sarahas, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. S-74.

(SIGNED)

*Tame Bixby.*

Chairman.



Cherokee D-345,

COPY.

et al.

Muskogee, Indian Territory, September 29, 1905.

V. V. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 22, 1905, granting the application for the enrollment of Polly A. Sarahas, and rejecting the applications for the enrollment of Frank Sarahas, Alberta, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Commissioner.

LS  
Incl. 3-70

Cherokee D-345,

OPY.

et al.

Muskogee, Indian Territory, September 29, 1905.

Edgar Smith,

Attorney for Polly A. Sarahas, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Polly A. Sarahas, and rejecting the applications for the enrollment of Frank Sarahas, Alberta, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

SIGNED

Incl. 8-69  
Register

Commissioner.

Muskogee, Indian Territory, September 29, 1905.

Polly A. Sarahas,

Fairland, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting your application for enrolment and rejecting, among others, the application for the enrollment of Frank Sarahas as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

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

Respectfully,

SIGNED:

*Tar*

Commissioner.

Incl. S-68  
Register

Cherokee D-348,  
et al.

Waskogee, Indian Territory, September 29, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings and decision in the consolidated application of Polly A. Sarahas, et al., granting the application for the enrollment of Polly A. Sarahas, and rejecting the applications for the enrollment of Frank Sarahas, and Alberta, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation.

Respectfully,

FB

*James D. Kirby*  
Commissioner.

LR  
Incl. 8-71

Through the

Commissioner of Indian Affairs.

( COPY )

78758-1908 DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, October 12, 1908.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 29, 1908, transmitting the record of the consolidated applications for enrollment as citizens by blood of the Cherokee Nation by Polly A. Sarahas for herself and her minor child, Frank Sarahas and by Alberta Long (born Sarahas) for herself and her minor children, Elmer L. and Willie Lucien Long.

September 29, 1908, the Commissioner decided favorably to Polly A. Sarahas and adversely to all the other applicants.

The record shows that Polly A. Sarahas, born Hunt, was born in the Cherokee Nation about 1861; that her mother, Rachel Hunt, born Forrester, who died about 1862 or 3 is identified with and recognized as a Cherokee citizen; that Polly A. Sarahas resided in the Cherokee Nation from the date of her birth until 1872, when she was taken by her step-mother to the Wyandotte Nation where she grew to womanhood and married Richard Sarahas, a Wyandotte Indian. As issue of this marriage

Alberta and Frank Sarahas were born. On May 7, 1899, Alberta was married to William P. Long, a Wyandotte Indian, and as issue of this marriage, Elmer L. and William Lucien Long were born. It is further shown that Polly A. Sarahas resided in the Wyandotte Nation from about 1873 to 1890 when she and her husband with their minor children, Frank and Alberta, returned to the Cherokee Nation and have made their home there continuously since. The applicants, Polly A. and Frank Sarahas and Alberta Long are identified on the 1896 Cherokee Census Roll.

The record further shows that Frank Sarahas and Alberta Long are recognized citizens of the Wyandotte Nation and as such have received allotment of land therein, prior to the birth of the children of Alberta Long.

In view of the record and of the decision in the case of Nancy Sky et al. (I.T.D. 4991-1902) May 9, 1903, the approval of the Commissioner's decision adverse to Alberta, Elmer L. and William Lucien Long and Frank Sarahas and favorably to Polly A. Sarahas is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M. M. . (W)

D. C. 60416

Y. P.  
PHN

I.T. . 13474-1905  
13948- "

DEPARTMENT OF THE INTERIOR,

L R S.

WASHINGTON.

November 2, 1905.

Commissioner to the five civilized tribes,  
Muskoogee, Indian Territory.

Sir:

September 29, 1905, you transmitted the record in the consolidated case of Polly A. Sarahas, et al., involving the applications of Polly A. and Frank Sarahas, and Alberta, Elmer A., and William Lucien Long, for enrollment as citizens by blood of the Cherokee Nation, including your decision of the same date, which was favorable to Polly A. Sarahas and adverse to all the other applicants.

Reporting October 12, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

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

Consideration has been given to a protest of the Cherokee Nation against your decision.

Respectfully,

(Signed) THOS RYAN  
First Assistant Secretary.

1 inclosure.

Muskogee, Indian Territory, November 10, 1905.

Elmer Smith,

Attorney for Polly A. Sarahas, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Polly A. Sarahas, and rejecting the applications for the enrollment of Frank Sarahas and Alberta, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 2, 1905.

You have heretofore been furnished a copy of Departmental decision referred to.

Respectfully,

(SIGNED)

LS

Commissioner.



Muskogee, Indian Territory, November 10, 1905.

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

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Polly A. Sarahas, and rejecting the applications for the enrollment of Frank Sarahas and Alberta, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 2, 1905.

For your information, there is inclosed herewith a copy of Departmental decision above referred to.

Respectfully,

SIGNED.

Incl. S-113

Commissioner.

Cherokee D-345.

Muskogee, Indian Territory, November 10, 1905.

Polly A. Sarahas,

Fairland, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for your enrollment, and reflecting, among others, your application for the enrollment of your son, Frank Sarahas, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 2, 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,

SIGNED

LS

Commissioner.

Muskogee, Indian Territory, November 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith letter from Edgar Smith, Vinita, Indian Territory, attorney for Polly A. Sarahas, et al., inclosing a motion to review and reopen the Cherokee enrollment case of Polly A. Sarahas. Proper service of the motion and the affidavits attached, signed by Polly A. Sarahas, Caroline Lofland, Mollie Holin and Lewis Holin, has been had on the attorney for the Cherokee Nation. On November 2, (I.T.D. 14474, 18948-1905), the Department affirmed the decision of this office favorable to Polly A. Sarahas and adverse to her children, Alberta Long, nee Sarahas, and Frank Sarahas, and grandchildren, Elmer L. Long and William Lucien Long.

The record in this case shows that Alberta Long and Frank Sarahas are the children of Polly A. Sarahas, the principal applicant, a citizen of the Cherokee Nation, and Richard Sarahas, a citizen of the Wyandotte Nation, and that Elmer L. and William Lucien Long are the minor children of said Alberta Long and William P. Long, a noncitizen of the Cherokee Nation. The record herein further shows that Alberta Long and Frank Sarahas were born in the

Vyandotte Nation, removed to the Cherokee Nation in the year 1890, where they have resided continuously from that time up to and including September 1, 1902. Their names are identified on the 1896 Cherokee census roll. The record further shows that they are recognized citizens of the Vyandotte Nation, and as such allotments of land have been made to them. It is further shown by the record herein that Elmer L. and William Lucien Long were born in the Cherokee Nation and have resided therein continuously all of their lives.

It is contended in the motion included herewith that the allotments of land in the Vyandotte Nation were arbitrarily made to Alberta Long and Frank Sarahas while they were minors; that Polly L. Sarahas, their mother, has always contended that she and her children were citizens of the Cherokee Nation and not of the Vyandotte Nation, and that she never consented for the allotments to be made to them in the Vyandotte Nation. The record herein fails to show the manner in which these allotments were made, and whether or not they have been disposed of.

The record in the matter of the application for the enrollment of Nancy Sky, (I.T.D. 4991-1902), as a citizen of the Cherokee Nation, to the ruling in which case this office referred in its decision of September 29, 1905, in the Sarahas case, shows that her name is upon the register of Shawnee Indians who came to the Cherokee Nation within the time required by the terms of the agreement of 1869 between the Shawnee Nation and the Cherokee Na-

tion; that she resided in the Cherokee Nation since 1871 until 1882, when she removed to that portion of the Cherokee Nation now known as Oklahoma and resided there for nine years, when she removed to the Peoria Nation and married William Sky, a Peoria Indian; that she received an allotment of land as a member of said Peoria tribe, and that she is upon no roll of the Cherokee Nation.

Acting upon the decision of the Commission to the Five Civilized Tribes of July 29, 1902, in the Sky case, and referring to section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), which in part provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

the Department held:

Said section of the act of June 28, 1898, is applicable only when an applicant claims citizenship in two nations of the five civilized tribes, over which you have jurisdiction. Sky, however, having become an adopted citizen of the Peoria tribe, and having received an allotment of land in that nation, lost her citizenship in the Cherokee Nation, and, of course, for that reason her child has no rights there. The application is rejected accordingly.

In the case of Laura Parker, an applicant whose name is identified on the 1880 authenticated and 1896 census rolls of the Cherokee Nation, for enrollment as a citizen by blood of the Cherokee Nation, the Commission to the Five Civilized Tribes held in its

decision of May 13, 1905, that inasmuch as she had been enrolled as an Eastern Shawnee Indian of the Quapaw Agency, and as such had received an allotment of land in the Eastern Shawnee Reservation, Indian Territory, she was not entitled to enrollment as a citizen of the Cherokee Nation, and her application for enrollment was accordingly denied by the Commission. The Department in its letter of June 15, 1905, (I.T.D. 6044-1905), stated,

The Department does not concur in your views. The applicant appears to have been born in the Cherokee Nation; she was married to Parker in 1866 and has always resided in the Cherokee Nation. As to the Shawnee allotment and patent, it is testified that she never saw the land so allotted, never made any application for it, and was not instrumental in having it allotted to her, and that she never made any use of the land. It is shown, however, that she received the patent and receipted for it April 25, 1891.

The Indian Office informally advised the Department that its records do not show that any of this land had been alienated by the allottee.

The husband of the applicant stated in his testimony that the patent was sent to his wife, "but she didn't want it. Of course she didn't know whether she could return that or not, and she would rather relinquish that right if she could."

You will advise the applicant that if she will surrender the Shawnee patent to the Department, through your office, and file at the same time a duly executed relinquishment of the land embraced in the patent, and furnish an affidavit showing that no part of the land has been alienated or encumbered in any way, she will be enrolled as a citizen of the Cherokee Nation should no valid objection then appear.

On August 3, 1905, this office transmitted the patent issued to Emma Parker of the land allotted her as an Eastern Shawnee, a duly executed relinquishment of the land embraced in the patent, and an affidavit showing that she has never derived any benefits from said land, and has never disposed of same by

deed, mortgage, or any other manner. Referring to Departmental letter of September 25, 1906, (I.T.D. 12106-1906), this office transmitted an unconditional relinquishment of Laura Parker to the land allotted her in the Shawnee Reservation. This office has not been advised of any further action taken by the Department in the case of Laura Parker.

In the affidavit of Polly A. Sarahas, attached to the motion included, she states that "she notified Major Howard, the first allotting agent of the Wyandotte Reservation, that she desired that her children be not given land in the Wyandotte Reservation for the reason that she was a Cherokee Indian and as such was entitled to an allotment in the Cherokee Reservation and that she desired her children to have allotments in the Cherokee Reservation as they lived in the Cherokee Reservation and were recognized as citizens of the Cherokee Reservation", and "during the second allotment in the Wyandotte Reservation, while she and her children were residing in the Cherokee Reservation, that allotments were given her children in the Wyandotte Reservation without her knowledge or consent . . . ."

This office respectfully recommends that before any action is taken on the motion to reopen the Cherokee enrollment case of Polly A. Sarahas, et al., Polly A. Sarahas, or her children, Alberta Long and Frank Sarahas, be required to conform to the conditions imposed in the Laura Parker case, i.e. she, or they, be required to surrender the patents to land allotted them in the

Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner.

Respectfully,

Incl. 8-150

Commissioner.

Through the  
Commissioner of Indian Affairs.



Cherokee D-345,

et al.

Muskogee, Indian Territory, November 15, 1905.

Edgar Smith,

Attorney for Polly A. Sarahas, et al.,

Vinita, Indian Territory.

Dear Sir:

This office is in receipt of your letter of November 10, inclosing a letter addressed to the Department, and a motion supported by affidavits to have reopened the Cherokee enrollment case of Polly A. Sarahas, et al. You are advised that the same have this day been forwarded to the Department.

Respectfully,

LS

Commissioner.

Cher 10957

Laura Battles

Trans. from R 797

Cher 10957

Cherokee 10957

Laura Battles, et al.

For original record in this  
case see Cherokee R-797



the Act of June 20, 1898, applies to minors as well as to adults. There were a number of other persons applied for in the same application, and their cases were rejected by the same decision, but the same named applicants were admitted only on the ground that, by reason, they were exempt from the operation of Section 21 of the Act of June 20, 1898. For the reasons hereinabove assigned: First, that the decision of the Commissioner to the Five Civilized Tribes was contrary to law, and, Second, that it was contrary to the opinion of the Assistant Attorney General hereinabove referred to the Cherokee Nation respectfully request that the same be rescinded, reviewed and reversed, and that the Commissioner of the Five Civilized Tribes be directed to strike therefrom the name of the applicant for the citizenship of the Cherokee Nation.

Very respectfully submitted,

Attorney for the Cherokee Nation.

( COPY )

Land

79537-1905

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. October 17, 1905.

The honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 30, 1905, transmitting the record of the consolidated application for enrollment as citizens by blood of the Cherokee nation by William T. Whitaker for Laura, Lax, Addie, Zeb and Adeline Battles; and by Emmett Starr for Steve, Bruce and Willie Battles.

September 29, 1905, the Commissioner decided adversely to Adeline, Steve and Bruce Battles and favorably to all the other applicants.

The record shows that on November 20, 1902, the Commission to the Five Civilized Tribes rendered a decision granting the applicants, Laura, Lax, Zeb and Addie Battles the right to enrollment and that on January 15, 1903, the Department approved the decision; thereafter, on April 2, 1904 (I.T.D. 7162-1903) the Department remanded the case for further testimony and re-adjudication in accordance with present rulings. The record further shows that the applicants claim right to enrollment as

citizens by blood of the Cherokee Nation; that all of the applicants, except Adeline Battles are identified on the 1896 Cherokee Census Roll, and are children of the applicant, Adeline Battles and William Battles, deceased, a non-citizen, and all are children by blood; that on February 10, 1888, the applicants, Adeline (Addy), Steve (Stephen), Bruce, Lax, Willie (No), and Laura Battles were admitted to citizenship by the duly constituted authorities of the Cherokee Nation; that about the year 1890, these applicants, together with Addie and Zeb Battles who were born subsequent to their admission, removed from North Carolina to the Cherokee Nation where they continuously resided for three or four years, when they returned to North Carolina and have since, up to and including September 1, 1902, continuously lived outside of the Indian Territory; that on September 1, 1902, Adeline, Steve and Bruce Battles were several years past majority and the other applicants were minors.

It appears from the record that Adeline Battles removed with her effects and family from the Cherokee Nation in the year 1894, and has with them continuously resided in the State of North Carolina; that the minor's residence was that of the mother; that under section 2 Article 1 of the Cherokee Constitution, she has forfeited all the rights and privileges as a citizen of the Cherokee Nation.

In view of the record the approval of the Commissioner's decision adverse to Adeline, Steve and Bruce Battles is recommended and that the decision favorable to the other applicants be reversed is also recommended.

Very respectfully,

C. V. Larrabee

Acting Commissioner

M. M.M. (W)



( COPY )

Y.P.  
FHE

D. C. 50245-1905

I.T.D. 13662-1905

L R S

DEPARTMENT OF THE INTERIOR,  
WASHINGTON .

November 1, 1905

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

Sir:

The Indian Office, October 17, 1905, submitted the Cherokee enrollment case of Adeline, Steve, Bruce, Willie Mc., Laura, Lax, Addie and Zeb Battles, the papers in which were forwarded with your letter of September 20, 1905, and recommended that your decision of September 29, 1905, be concurred in. The case is styled in your letter, Laura Battles et al.

Adeline Battles is the mother of the other applicants. She, Steve, Bruce, Lax, Willie Mc and Laura Battles were readmitted to citizenship in the Cherokee Nation in 1888. Zeb and Addie appear to have been born subsequent to that time. About 1900 all of these applicants came from North Carolina to the Cherokee Nation and remained there three or four years, when they returned to North Carolina, after their mother had just been released from an insane asylum, where they appear to have remained.

you found that Willie Mc, Lax, Laura, Addie and Zeb Battles were minors September 1, 1902, and that they had not lost their citizenship, but that Adeline, at that time 47 years of age,

Steve, 23 years; and Bruce, 21 years, had forfeited their citizenship under section 2, Article I, of the Constitution of the Cherokee Nation, which, in part, is as follows:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . ."

X The testimony is unusually unsatisfactory, but seems to justify your decision in favor of Willie, Laura, Lax, Addie and Zeb Battles, and your decision as to these applicants is hereby affirmed. The department, however, does not find that Adeline Battles, who apparently may never have entirely recovered her reason; Steve, who was in the Cherokee Nation for a short while in 1894, and being a consumptive returned to North Carolina upon the advice of his physician; and Bruce, who served in the Spanish-American war and in the United States army for three years after such war, have forfeited their citizenship. They are all adults, and do not appear to have had due notice of the hearing in this matter. The testimony is hardly sufficient to warrant their enrollment; at least some further effort for their benefit should be made to ascertain their citizenship status.

A rehearing is therefore directed as to them, after due notice. The residences of these applicants are known to you,

and they should be communicated with direct.

The record and a copy of the Indian Office letter submitting your report, are inclosed.

Respectfully,

(Signed) THOS RYAN

First Assistant Secretary

Through the

Commissioner of Indian Affairs.

2 inclosures.

Muskogee, Indian Territory, April 19, 1906.

Honorable Tams Bixby,  
Hotel Raleigh,  
Washington, D. C.

Sir:

There is inclosed herewith, prepared for your signature, letter addressed to the Department transmitting record of proceedings and decision in the Cherokee enrollment case of Adeline Battles, et al., and motion of Cherokee Nation for review of Departmental decision of November 1, 1905, in the Cherokee enrollment case of Willie Battles, et al.

If the letter as prepared meets with your approval, please return one of the ribbon copies, after attaching your signature thereto, in order that a letter press copy of same may be made.

Respectfully,

Incl. 3-94

Acting Commissioner.

Muskogee, Indian Territory, April 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith the record of proceedings had in the Cherokee consolidated applications for enrollment as citizens by blood of the Cherokee Nation of Adeline Battles, et al., Stephen D. Battles, Bruce V. Battles and Willis Battles, together with the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, rejecting the applications for the enrollment of Adeline Battles, Stephen D. Battles and Bruce V. Battles, as citizens by blood of the Cherokee Nation.

The records of this office show that on November 20, 1902, the Commission to the Five Civilized Tribes rendered its decision rejecting the application of William T. Whitaker for the enrollment of Laura, Lax, Eeb and Addie Battles as citizens by blood of the Cherokee Nation; that on January 15, 1903 (I.T. D. 8078-1903), the Commission's decision was affirmed by the Department, and that on April 2, 1904 (I.T.D. 7162-1903), at the request of the Commission, the Department rescinded its decision as to said applicants, and remanded the case to the Commission for rehearing and readjudication. The records of this office

further show that on September 29, 1905, the Commissioner to the Five Civilized Tribes, consolidating the applications for the enrollment of Adeline Battles, et al., Steve (Stephen D.) Battles, Bruce (W.) Battles and Willie Battles, rejected the applications for the enrollment of Adeline, Steve and Bruce Battles, and granted the application for the enrollment of Willie, Laura, Lax, Addie and Zeb Battles, as citizens by blood of the Cherokee Nation, and that on November 1, 1905 (I.T.D. 13668-1905), the Department affirmed the decision of the Commissioner, dated September 29, 1905, insofar as it granted the applications for the enrollment of Willie Battles, Laura Battles, Lax Battles, Addie Battles and Zeb Battles, and remanded the case to the Commissioner for further hearing and readjudication sofar as it rejected the applications for the enrollment, as citizens by blood of the Cherokee Nation, of Adeline Battles, Steve (Stephen D.) Battles, and Bruce (W.) Battles.

There is also inclosed a motion made by the attorney for the Cherokee Nation for a review of the Department's decision of November 1, 1905, affirming the Commissioner's decision favorable to the applicants, Willie, Laura, Lax, Addie and Zeb Battles.

The records of this office show that the names of Laura, Lax, Addie, Zeb and Willie Battles appear upon a schedule of citizens by blood of the Cherokee Nation, approved by the Department

January 13, 1906, opposite Nos. 32793 to 32797, respectively.

The record in the matter of the application for the enrollment of these applicants shows that they are children of William Battles, deceased, a noncitizen of the Cherokee Nation, and Adeline Battles, a Cherokee by blood; that Willie, Laura and Lax Battles, with their mother, were admitted to citizenship in the Cherokee Nation on February 10, 1896, by the duly constituted authorities of the Cherokee Nation, and that about the year 1890, said applicants, with their mother, and the applicants, Addie and Zeb Battles, who were born subsequent to said act of admission, removed from North Carolina to the Cherokee Nation, where they continuously resided for three or four years, when they returned to North Carolina and have since, up to and including September 1, 1902, continuously resided outside of the limits of the Indian Territory. The record further shows that the applicants have neither owned nor controlled any property in the Cherokee Nation since their removal therefrom in 1894.

The Commissioner found that the applicants, Willie, Laura, Lax, Addie and Zeb Battles, were entitled to enrollment for the reason that they had not reached their majority on September 1, 1902, and therefore could not have forfeited their citizenship prior to that date.

The attorney for the Cherokee Nation contends that in accordance with the approved opinion of the Assistant Attorney

General for the Interior Department, dated December 26, 1905 (I.T.D. 13216-1905), these applicants are not entitled to enrollment as citizens by blood of the Cherokee Nation, and the applications for their enrollment should be rejected.

Under the rulings of the Department in the cases of Mary L. Strickland, et al., of January 4, 1906 (I.T.D. 18216-1905), Dock Davis, et al., of January 3, 1906 (I.T.D. 10726, 18214-1905), Hubert Henry, et al., of January 3, 1906 (I.T.D. 10072, 18216-1905), and Nellie Walker Litton, et al., of January 3, 1906 (I.T.D. 15255, 18212-1905), which decisions were, as will be noted, subsequent to the Department's decision in the cases of Willie Battles, et al., it is considered by this office that the motion should be granted, and it is so recommended.

Respectfully,

Incl. 8-93

Commissioner.

Through the

Commissioner of Indian Affairs.



-Copy-

Refer in reply  
to the following:  
Land 38633-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, JUNE 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated April 19, 1906, transmitting the record of the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of Adeline Battles, Steve Battles and Bruce Battles.

April 19, 1906, the Commissioner decided adversely to the applicants.

The records shows that on September 29, 1905, the Commissioner to the Five Civilized Tribes rendered his decision in the consolidated case of Laura Battles et al., under the rulings of the Department in the cases of John R. Ketchum et al., (I.T.D. 1080-03), James Hunter et al (I.T.D.1970-03, Cleveland H. Patrick I.T.D.924-04), granting the applications for enrollment of Willie McC., Laura, Lax, Addie and Zeb Battles, minor children of Adeline Battles, and denying the enrollment of Adeline, Steve and Bruce Battles. On November 1, 1905 (I.T.D.13665-05), the Department affirmed the decision of the Commissioner favorable to the minor children and remanded the case for rehearing and readjudication as to Adeline, Steve, and Bruce Battles.

The record shows that the applicants are Cherokees by blood; that in 1888 they were admitted to citizenship by the legally constituted authorities of the Cherokee Nation and removed thereto in 1890; that after so removing they continued to reside therein until 1894 when they left the Nation and returned to their old home in North Carolina, where they have since continuously resided. It is further shown that the applicants own no property in the Cherokee Nation.

There is also enclosed a motion on behalf of the Cherokee Nation for review of the Department's decision of November 1, 1905 favorable to the minor children of Adeline Battles, Willie McC., Laura, Lax, Addie and Zeb Battles who also returned to North Carolina where they have continuously resided up to and including September 1, 1902, and have neither owned nor controlled any property in the Cherokee Nation since their removal therefrom in 1894.

In view of the record and of Sec. 21 of the Act of June 28, 1898 (30 Stats., 495), the approval of the Commissioner's decision adverse to the applicants, Adeline, Stephen D., and Bruce W. Battles, is recommended and the Commissioner's favorable report in the matter of reopening the Cherokee citizen case of Willie McC., Laura, Lax, Adeline and Zeb Battles in view of the decision in the case of Mary L. Strickland et al., of January 4, 1906 (I.T.D. 18216-1906) is also recommended.

Very Respectfully,  
C. F. Larrabee,  
Acting Commissioner.

M.M.M.  
MEM

Cherokee  
10957

Muskogee, Indian Territory, November 2, 1906

William Henry White,  
Columbian Building,  
Washington, D.C.

Dear Sir:

This office is in receipt of your letter of October 17, 1906, asking to be advised when Willie, Laura, Lax, Addie and Zeb Battles will be allowed to file applications for the selection of allotments of land in the Cherokee Nation.

In reply you are advised the records of this office show that the applications for the enrollment of the persons referred to as citizens by blood of the Cherokee Nation was granted by the secretary of the Interior November 1, 1905; that on April 19, 1906, a motion filed by the Attorney for the Cherokee Nation for a review of said Departmental decision was forwarded to the Department, where it is still pending.

You are further advised that an application for the selection of allotments for said persons cannot be received until this case is finally acted upon by the Department.

Respectfully,

L M B

Commissioner

I.T.D.10994-1906.

J.F.Jr.  
LLB.

DEPARTMENT OF THE INTERIOR,

Washington, February 13, 1907.

L.R.S.

Direct

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

Sir:

On June 13, 1906 (Land 38633-1906), the Indian Office transmitted your report, together with the record of proceedings, in the matter of the consolidated applications for the enrollment as Cherokees by blood of Adaline Battles et al., Stephen D. Battles, Bruce W. Battles and Willie Battles.

On November 1, 1905, the Department affirmed your decision dated September 29, 1905, in this case, in so far as it granted the applications for the enrollment of Willie Battles, Laura Battles, Lax Battles, Addie Battles and Jeb Battles, and remanded for a further hearing and readjudication the applications for enrollment as citizens by blood of the Cherokee Nation of Adaline Battles, Steve (Stephen D.) Battles and Bruce (W) Battles.

You now transmit your decision dated April 19, 1906, rejecting these applications remanded to you for a further hearing and you also forward a motion filed by the attorney for the Cherokee Nation for a review of departmental decision of November 1, 1905, affirming your decision, favorable to the applicants Willie,

Laura, Lax, Addie and Zeb Battles. You recommend that said motion be granted.

The Indian Office concurs in your recommendation for favorable action upon the motion and also in your decision, adverse to the other applicants. A copy of its letter is enclosed.

The department had reviewed your decision, favorable to the applicants Willie, Laura, Lax, Addie and Zeb Battles.

It appears that said applicants are the minor children of Adeline Battles and that they removed with their mother to the Cherokee Nation in 1890, remaining there until 1894, when they returned to North Carolina.

In view of these facts and opinion of the Assistant Attorney-General in the Lorenzo Newton Davis case, it is considered that your decision dated September 29, 1905, and affirmed by the Department November 1, 1905, is correct and should not be disturbed.

Your decision of April 19, 1906, adverse to the applicants, Adeline, Stephen D. and Bruce W. Battles, is affirmed.

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

Respectfully,

Thos. Ryan,

First Assistant Secretary

1 inc. and 4 to Ind. Of.

Cher 10958  
Willie Battles

Trans. from D 2633

Cher 10958

2

R  
Cher D 2613

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,  
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

Willie Battles, page 121, # 662, Cooweescoowee District;  
Note: "In N. Carolina";  
Also on 1894 roll, page 125, # 220, Cooweescoowee District;  
as William Battles;

- Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1880  
Cherokee roll, their families and their descendants:

-----  
E. C. Bagwell, on oath states that, as stenographer to the  
Commission to the Five Civilized Tribes, he correctly recorded the  
testimony and proceedings had in the above entitled cause, and that  
the foregoing is an accurate transcript of his stenographic notes  
thereof.

*E. C. Bagwell*

Subscribed and sworn to before me this August 18, 1902.

*[Signature]*  
Notary Public.

F. 2. 133.

**FILED**  
MAR 27 1905  
**COMMISSION TO FIVE TRIBES.**



Cherokee-R-797,  
Cherokee-D-2631, 2632, 2633.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, March 13, 1905.

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In the matter of the application for the enrollment of Willie Battles, Bruce Battles, Steve Battles, and Laura Battles et al. as citizens by blood of the Cherokee Nation, application made by W. T. Whitaker.

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On February 20, 1905 W. T. Whitaker was notified, by registered mail, also Kimbal & White, attorneys for applicants, Washington, D.C., and the attorneys for the Cherokee Nation were notified that the cases of Willie, Bruce, and Steve Battles, and Laura Battles et al. would be taken up for final consideration by the Commission, at its offices in Muskogee, Indian Territory, at 9:00 o'clock A.M. on March 13, 1905.

Now, on this, the 13th. day of March, 1905, said cases being called, the applicants appear not in person nor by attorney.

The Nation appears by its attorney, W. W. Hastings.

Subsequently written request was made by the attorneys for the applicants for a continuance, and the above cases are hereby reset for hearing on April 13, 1905.

-----

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 13th. day of March, 1905, and that the above is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 25th. day of March, 1905.

Myron White  
Notary Public.

D. 2633.

**FILED**  
MAR 23 1905  
**COMMISSION TO FIVE TRIBES.**

Cherokee-D-2631-2632-2633.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, March 13, 1905.

-----  
In the matter of the application for the enrollment of  
Steve Battles et al. as citizens of the Cherokee Nation.

-----  
A motion for continuance in this case until April 13,  
1905 is granted, to give attorneys for applicants, Kimbal & White,  
who are now in Washington, an opportunity to be present at the  
trial.

-----  
Kula Jeanes Branson, being duly sworn, states that, as  
stenographer to the Commission to the Five Civilized Tribes, she  
recorded the proceedings had in the above entitled cause on the  
13th. day of March, 1905, and that the above is a correct record  
of said proceedings had on said date.

Kula Jeanes Branson.

Subscribed and sworn to before me this the 22nd. day  
of March, 1905.

Myron White.  
Notary Public.

Order N. 2633

7 copies

**FILED**  
JUN 27 1905  
COMMISSION TO FIVE TRIBES.

Cherokee-R-797  
Cherokee-D-2631,  
2632, 2633.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, May 27, 1905.

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In the matter of the application for the enrollment of  
Laura Battles, Laz Battles, Zeb Battles, Addie Battles, Steve  
Battles, Bruce Battles, and Willie Battles as citizens by blood of  
the Cherokee Nation.

-----  
William Henry White, attorney for applicants.  
W. W. Hastings, attorney for the Cherokee Nation.  
C O M M I S S I O N.

-----  
COMMISSION:

It appears from the records of the Commission that the appli-  
cants, Laura Battles, Laz Battles, Addie Battles, and Zeb Battles,  
were denied by the Commission on the \_\_\_\_\_ da. of \_\_\_\_\_,  
\_\_\_\_\_; that on January 15, 1903 the Department affirmed the  
decision of the Commission, rejecting the applications for the  
enrollment of said persons; and that on April 2, 1904, the Depart-  
ment remanded said case for readjudication.

It further appears that Steve Battles, on C.D.-2631,  
Bruce Battles, on C.D.-2632, and Willie Battles, on C.D.-2633, are  
full brothers of the said Laura, Laz, Addie, and Zeb Battles, and  
the cases of all the applicants are now consolidated, and the testi-  
mony to be taken herein will be applicable to all the applicants  
above mentioned.

-----  
Now, on this day, May 27, 1905, the applicants appeared by  
their attorney, William H. White, and the Cherokee Nation appeared  
by its attorney, W. W. Hastings.

-----  
William T. Whitaker, being duly sworn, testified as follows:

MR. WHITE:

- Q. What is your full name? A. William T. Whitaker.  
Q. Where do you reside? A. At Pryor Creek.  
Q. You are the founder and superintendent of the Whitaker Orphan  
Home, located near Pryor Creek, are you not? A. Yes sir.  
Q. What relation are you to these children in this case? A. I  
am their uncle.  
Q. Their mother was your sister? A. Yes sir.  
Q. Is she living? A. Yes sir.

- Q. Where is she living? A. In North Carolina.
- Q. What is her name? A. Adeline Battles.
- Q. She is the same Adeline Battles that was admitted to citizenship in 1888? A. Yes sir.
- Q. Did you have anything to do with her admission to citizenship? A. I was a witness in it.
- Q. Who, if you know, gave the names of the children? A. We and my brother, J. W. Whitaker, were both there, and I don't remember which one of us gave in the names.
- Q. Were you able to get information at that time from their mother as to how old they were? A. I didn't do it. We just gave them in by guess.
- Q. It appears from the record in this case that the mother was insane for a time. Is that true? A. Yes sir.
- Q. Was she capable at that time of giving the ages of these children? A. She was not insane at the time she was enrolled and she could have given the ages.
- Q. Where was she? A. In North Carolina.
- Q. That is the reason you gave them in? A. Yes sir.
- Q. You have testified in this case before? A. Yes sir.
- Q. Since testifying have you made any inquiry as to the ages of these children? A. Yes sir.
- Q. Where did you make the investigation? A. In North Carolina.
- Q. From whom did you get your information? A. From my brothers and sisters in North Carolina. The mother of the children could not give it.
- Q. Is the mother rational now? A. She has got sense enough to keep house, but she can't remember their ages.
- Q. Is her mind so enfeebled that she could not remember it? A. I don't know. She told me to go to my brothers and sisters and maybe they could remember it.
- Q. Now, if you desire, you may refresh your memory from any memorandum that was made at the time of this conference, and give me the year of the birth of Addie? A. She was born in '88.
- Q. In what year was Zeddie born? A. In '89 is the way I have got it.
- Q. There appears in the record the name Zeb? Will I write it Zeddie? A. It is the same thing -- the same child.
- Q. What is the correct name? A. Zeb I think.
- Q. These two children, Addie and Zeb, were not admitted, were they? A. No sir.
- Q. Zeb was born after his mother's admission according to this? A. Yes sir.
- Q. Was Addie born before or after it? A. That was a question that none of them could tell me. I couldn't find out. It was the same year, but none of them could tell whether it was before or after.
- Q. What year was Laura born? A. In '87.
- Q. Lax? A. In '86. The way Lax was put on the roll was before Willie, but he is the younger.
- Q. There was also a child, Daisy, was there not? A. Yes sir.
- Q. Did she die before September 1, 1902? A. Yes sir.
- Q. When was Willie born? A. In '84.
- Q. When was Bruce born? A. In '81.
- Q. When was Steve born? A. In '79.
- Q. When was Forsty born? A. In '77.

Commission: --

- Q. She is not on here? A. She ought to be. She is in the admission, and ought to be on this. I tried to enroll her at the same time I enrolled the others.

MR. WHITE:

- Q. You made the original application for all of these children?  
A. Yes sir, and for the mother, too.
- Q. There was one named Florence? A. Yes sir.
- Q. When was she born? A. In '74.
- Q. What is her name -- is she married now? A. Yes sir. Her name is Bughey since she married. She lives at Pryor Creek.
- Q. Where are these children living? A. In North Carolina.
- Q. When did they go to North Carolina? A. Somewhere between '93 and '94.
- Q. When did they come to this country? A. About 90.
- Q. Then, they lived here three or four years, did they? A. They lived here till they went back. They were in the Orphan Home quite a while.
- Q. Were they in the home of which you are superintendent? A. No sir, in the Cherokee Orphan Home. I think they were there one year -- maybe a little over.
- Q. Did Steve Battles come back to the Cherokee Nation after going to North Carolina in '94? A. He came back here about when that six months law was passed -- between '94 and '95 I think.
- Q. When he went back to North Carolina? A. Yes sir.
- Q. What was the occasion for his going back to North Carolina? A. He is a consumptive and the doctor advised him to go back. Forsty and Lax are the same way. Forsty can't walk now.
- Q. These three were sent to North Carolina on account of their health? A. No, the three others were sent with their mother on account of her health.
- Q. What is the condition of Steve Battles now? A. Just the same thing. He is just a shadow.
- Q. Now as to Bruce Battles. What, if anything, do you know of his service in the army? A. I can't give the date, but he enlisted in the Spanish-American war before he was of age, and went through that, and after he came out he joined the army again and served three years in the United States Army.
- Q. Is he still in the army? A. I don't know whether he is or not. He came home a while before Christmas, and I don't know whether he went back or not.
- Q. He was in the army until about Christmas? A. He was there three or four years. I don't know just how long.
- Q. I want to get at the last service that you know of. You fixed that at about Christmas. A. It was just before Christmas, I don't know the date.
- Q. In 1904? A. Yes sir.
- Q. Do you know any more definitely than you have stated when Willie was born? A. No, I do not. All I know is what they gave me in North Carolina. They said it was in 1884.
- Q. If he was born after May, 1884 he would not be quite 21 years of age; if it was before that time he would be 21. A. I don't know about the date.
- Q. Then, as you understand it from the information given you by the relatives of these children, Addie, Zeb, Laura, Lax are still under 21 years of age, and Willie is 21 sometime this year, but whether earlier or later in the year than May you do not know. A. No sir.
- Q. You were appointed the guardian of these children in the Cherokee Nation under Cherokee law? A. Yes sir.
- Q. You were their guardian as long as the Cherokee law was in force? A. Yes sir. I acted as their guardian until I sent them away from home.

COMMISSION:

- Q. Were you guardian for all seven of them? A. Yes sir, and for the mother, too.

MR. HASTINGS:

- Q. But their mother is all right now? A. Yes sir.  
Q. And she has been all right ever since 1894? A. She has been all right ever since about the year after she went away.  
Q. She needs no guardian now? A. No sir.  
Q. You were appointed guardian to draw their money in a little payment that was made? A. No, I was appointed guardian to put the mother in an insane asylum and to put the children in the Orphan Home.  
Q. You have never acted as guardian in that way since 1894, or had any control over their persons? A. No sir.  
Q. Has Laura ever married? A. No sir.  
Q. Has Lax? A. No sir.  
Q. Has Willis? A. No sir.  
Q. Has Steve? A. No sir.  
Q. Has Bruce? A. No sir.  
Q. Has Forsty? A. Yes sir.  
Q. Where was she married? A. In North Carolina.  
Q. When? A. I don't know the date -- some four or five years ago.  
Q. She is living there with her husband? A. Yes sir, she has since she married.  
Q. She has been living there since 1894? A. Yes sir.  
Q. Bruce was living there when he joined the army? A. Yes sir.  
Q. He was living in North Carolina? A. Yes sir.  
Q. After he left the army he came back and afterwards enlisted again? A. Yes sir.  
Q. It is your understanding that he is at home, in North Carolina, now with his mother? A. Yes sir, they are all there with her.  
Q. You say Steve, according to your memory, was born in '79? A. I don't remember, myself, but from the information the others gave me, it was '79.  
Q. He has been back here on a visit once? A. Yes sir.  
Q. How long did he remain? A. Probably a month.  
Q. You do not remember what month that was? A. No sir. It was sometime in '95, but I don't remember the month.  
Q. With that exception, he has not been here since '94? A. No sir.  
Q. He is living with his mother in North Carolina? A. Yes sir.  
Q. Is the father of these children dead? A. Yes sir.  
Q. He was dead before they came here the first time? A. Yes sir.  
Q. Has the mother ever remarried? A. No sir.  
Q. Lax is living there with his mother, is he? A. Yes sir.  
Q. And has been ever since they returned? A. Yes sir.  
Q. And also Laura, Zeb, and Addie? A. All of them are there living in the same house except Forsty, and she is married and living to herself.  
Q. Are they living in town or in the country? A. In town.  
Q. What town? A. Andrews, North Carolina.  
Q. These dates are not given from any personal knowledge of your own? A. The relatives gave them to me. I don't know about it, myself. This was the best information I could get, and I written it down. I was not in that country when they were born.  
Q. The mother and all of these children have lived in North Carolina since their return in '94? A. Yes sir.

MR. WHITE:

- Q. You have seen all of these children, have you? A. Yes sir.  
Q. Do their appearances indicate that they are about the ages given? A. I think they are. I think it is about right, but I am not positive, of course. None of them is married. If they were getting up very old they would have been likely to be married.  
Q. Are all of these applicants living? A. Yes sir.



COMMISSION:

- Q. What is the name of this girl that is married? A. West.
- Q. Did you ever make application for this girl that is married? A. Yes sir.
- Q. Where? A. At Pryor Creek. But the Commission would not accept it for her nor for Mrs. Battles.
- Q. Is this girl on the '96 roll? A. No sir, they wouldn't accept her on that either.
- Q. On September 13, 1900 you appeared before the Commission and made application for Laura, Lax, Addie, and Zeb Battles, didn't you? A. Yes sir, but I don't remember the date.
- Q. Did you make an application at this time for this Forsty? A. Yes sir, and for their mother, but they claimed she was of age, and wouldn't accept it, and wouldn't accept Mrs. Battles and two of her boys.
- Q. When was this girl born? A. She would be about 28 years old now. Born in '77. The application was made, but they didn't take her name down.
- Q. When was Adeline Battles and these children admitted? A. In 1888.
- Q. How soon after that did she come to the Cherokee Nation? A. Something like a year.
- Q. When she came to the Nation was she insane? A. Yes sir. Her husband was killed sometime about the time she was admitted, and she went insane a short time afterwards.
- Q. Where was the home of herself and family? A. They lived at Pryor Creek until she got so bad that the people demanded of me that I do something for her. They petitioned the Court to appoint me guardian to look after the home. I sent her to St. Louis to St. Vincent's Asylum and kept her there for a few months. She had got violent, and afterwards she got better and I brought her home, but she wasn't well, and I then sent her to North Carolina..
- Q. Were the children with you continuously during the time the mother was in St. Louis? A. They were in my house part of the time, and I sent them to the Orphan Asylum. I think they were there about a year.
- Q. Do you know when you sent them back to North Carolina? A. I cannot give the date, but it was some time between '92 and '94.
- Q. She returned to North Carolina and took all the children with her? A. Yes sir.
- Q. And since that time they have never lived in the Cherokee Nation? A. No sir.
- Q. None of them? A. No sir.
- Q. Is there no application made here at all for the mother? A. No, they wouldn't let me make any for her.
- Q. You have never applied to the Commission for this Adeline Battles? A. Nothing only when they were enrolling up there they turned it down.
- Q. You were appointed guardian for the mother and the children? A. Yes sir.
- Q. Since they went to North Carolina you have had nothing more to do in it? A. No sir.
- Q. Was Adeline Battles sent to the asylum under an order of court? A. No sir, she was in a private asylum.
- Q. But you were appointed by the Court? A. Yes sir.
- Q. Have you ever been discharged? A. No sir.
- Q. When did you make your last report? A. When I sent them back to North Carolina.

MR. HASTINGS:

- Q. The Curtis Act of June 23, 1898 abolished all the courts under

- Q. which you were appointed? A. That was my understanding.  
Q. Since then there have been no courts to report to? A. No sir

COMMISSION:

- Q. Did these children of Adeline Battles, or Adeline Battles, herself, have any property here? A. Mrs. Battles had one town lot deeded to her by the Cherokee Nation. That was all.  
Q. You were appointed to have the personal custody of these children and their mother, and not for the purpose of protecting any estate at all? A. No, there was no estate to protect.  
Q. There is nothing in the record to show that they had any property? A. Well, they had a little money that I collected for them from North Carolina --- about \$600.00.  
Q. Was that money turned over to you? A. Yes sir.  
Q. Have you accounted for it? A. Yes sir.  
Q. Where? A. To the Court at Claremore.  
Q. Did the Court pass upon it? A. I suppose so. I have never heard anything more of it.

MR. WHITE:

- Q. You acted as their guardian in making these applications for their enrollment? A. I felt it my duty to do it.

MR. HASTINGS:

- Q. Didn't you more act as their relative and uncle? A. Some people said that if I didn't do it the Court would hold me responsible. I don't know about that, but I felt that I ought to do it.  
Q. You have never filed any letters of guardianship with this Commission? A. I showed them here.  
Q. Are they on file? A. I have got them yet.  
Q. A lot of these children were of age, weren't they? A. Some of them were, but they were turned down.  
Q. You have sworn that you have had nothing to do with them since they went back to North Carolina? A. I haven't. I have had no money nor property in this case.

COMMISSION:

- Q. You mentioned a little while ago that she had a lot in Pryor Creek deeded to her by the Cherokee Nation? A. Yes sir.  
Q. What has become of that lot? A. I bought it.  
Q. From whom? A. From her.  
Q. When? A. About two years ago.  
Q. Was that property in her name up until that time? A. Yes sir

MR. HASTINGS:

- Q. What did you give her for it? A. \$100.00  
Q. What was the exact date of that purchase? A. I could tell you if I was at home, but it was something like two years ago.  
Q. What did she give for the lot? A. \$1.50.

Mr. White:

I offer the letters of guardianship, and ask that it be copied into the record, and the original returned to Mr. Whitaker.

MR. HASTINGS:

I object to it ~~because~~ because this man does not claim to

have acted under these letters of guardianship since 1894, and, under the Curtis Act, the courts under which he was appointed have been abolished, and he has had neither the care of the persons nor property of these applicants since that time.

WITNESS EXCUSED.

MR. WHITE:

I wish to state, as a member of the bar of the Commission, that I have done everything in my power to ascertain the correct ages of these children, and as a result of a conference with William T. Whitaker, he has made this investigation in North Carolina, and I believe now that we have done all that can be done toward establishing the birthdays of these children; that, in my opinion, it is impossible to more definitely establish these dates for the reason that the father is dead and the mother's mind is in such condition, because of her period of insanity, that she is unable to establish their birthdays; for these reasons, I am willing to submit the case on the record as it is now made up.

MR. Whitaker recalled.

MR. WHITE:

- Q. How large a town is Andrews? A. I suppose 150 or 200 in population.
- Q. Is there any public record kept by the state or municipality of the birth of children? A. Not that I know of.
- Q. Do you know whether there was any record kept in the family? A. Nothing only what the children said.
- Q. What was it? A. They said there was a record kept in the family bible.
- Q. What became of that bible? A. The mother chewed it up while she was crazy.

WITNESS EXCUSED.

-----

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 27th. day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

*Eula Jeanes Branson*

Subscribed and sworn to before me this the 14th. day of June, 1905.

*Fred Branson*  
Notary Public.

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

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In the matter of the application for the enrollment of  
Laura Battles, et al., as citizens by blood of the Cherokee Nation,  
consolidating the applications of:

Laura Battles, et al.,	Cherokee R 797
Steve Battles,	Cherokee D 2631
Bruce Battles,	Cherokee D 2632
Willie Battles	Cherokee D 2633.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as citizens by blood of the Cherokee nation were made to the Commission to the Five Civilized Tribes by William T. Whitaker, for Laura, Lax, Addie, Zeb and Adeline Battles; and as citizens (by blood) of the Cherokee Nation, by Emmet Starr for Steve Battles Bruce Battles and Willie Battles. The records of this office further show that on November 20, 1902, the Commission rendered its decision herein denying the applicants, Laura, Lax, Zeb and Addie Battles the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department on January 15, 1903 (Departmental letter I.T.D. 8078-02); and that, thereafter, on April 2, 1904 (Departmental letter I.T.D. 7162-03), upon request of the Commission, the proceedings in this case were remanded by the Department for further testimony, and readjudication in accordance with present rulings, and on March 13 and May 27, 1905, further proceedings in the matter of these applications were had at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as citizens by blood of the Cherokee Nation.

All these applicants were born in North Carolina, and I believe the applicants Addie and Zeb Battles were born subsequent to their mother's admission to citizenship.

WILLIAM T. WHITAKER, on behalf of the applicants herein, appeared before the Commission on May 27, 1905, and further testified, as follows: I am a brother of Adeline Battles. All the applicants are, at this time, living in North Carolina. Steve Battles came back to the Cherokee Nation after they went to North Carolina in 1894, and stayed about one month, but, on the advice of his physician he returned to North Carolina. Since returning to North Carolina in 1894, Bruce Battles joined the army and went through the Spanish-American war, and after he came out of that he joined the regular army and served three years. Adeline Battles is all right now, and has been since about 1895. I have had no control of the person or property of these applicants since they left here in 1894. When Adeline Battles came to the Cherokee Nation after being admitted in 1888, she was insane; her husband was killed about the time she was admitted, and she went insane a short time after his death. This family lived at Pryor Creek (Cherokee Nation) until the mother became so violent the people demanded I do something for her. I sent her to St. Vincent's Asylum at St. Louis, and kept her there for several months, when she got better I brought her home, but she was not well, and I then sent her and her children to North Carolina. These applicants have owned no property in this country except one town lot, deeded to Mrs. Battles by the Cherokee Nation, and which was disposed of by her about two years ago.

C A S E C L O S E D .

All the applicants herein are identified on the Cherokee Strip payment roll of 1894.

In connection with the later testimony taken in this case attention is called to the fact that the act of February 10, 1888, admitting certain of the applicants herein to citizenship in the Cherokee Nation, recites the ages of Steve and Bruce Battles as twelve and ten years, respectively. This would indicate that said applicants were several years past their majority on September 1, 1902.

**FINDINGS OF FACT AND CONCLUSION:** It is considered that the evidence in this case shows that prior to September 1, 1902, the applicants, Adeline, Steve, and Bruce Battles, forfeited their Cherokee citizenship, under Section II, Article I, of the Cherokee Constitution, which, in part, 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; ... .."

The following points in this case are fully established by the evidence, no attempt having been made to disprove them.

(1) That all the applicants herein except Adeline Battles, are identified on the Cherokee census roll of 1896, and are children of the said Adeline Battles and one William Battles, deceased, who was a non-citizen of the Cherokee Nation, and that all the applicants herein are Cherokees by blood.

(2) That on February 10, 1888, the applicants, Adeline (Addy), Steve (Stephen), Bruce, Lax, Willie (Mc), and Laura Battles, among others, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof, and that about the year 1890, said applicants, together with the applicants, Addie and Zeb Battles, who were born subsequent to said act of admission, removed from North Carolina to, and established a residence in, said Cherokee Nation, where they continuously resided for three or four years, when they returned to North Carolina, and have since, up to and including September 1, 1902, continuously lived outside the limits of the Indian Territory.

The following points are not conclusively established by the evidence, but as they are matters peculiarly within the knowledge of the applicants, and incapable of being disproved by the Cherokee Nation, it can only be said that the testimony shows:

(3) That, on September 1, 1902, said applicants were aged as follows: Adeline Battles, 47 years, Steve Battles, 23 years, Bruce Battles, 21 years, Willie Battles 18 years, Lax Battles, 16 years, Laura Battles, 15 years, Addie Battles, 14 years, and Zeb Battles, 13 years, respectively

In view of the foregoing, it is considered by this office that but one question is presented for its determination, namely:

Did any, or all, of the applicants herein forfeit their Cherokee citizenship on or prior to September 1, 1902?

WILLIAM T. WHITAKER, on behalf of the applicants, appeared before the Commission on September 12, 1900, at Pryor Creek, Indian Territory, and testifies as follows: I am 46 years old, and my post office is Pryor Creek (Cherokee Nation, Indian Territory). I was appointed guardian of Adeline Battles several years ago when she was insane. I was also appointed guardian of her children. Adeline Battles is not insane now, that is, she is better.

and that, under the rulings of the Department in the cases of John R. Ketcham et al. (I T D. 1080-03), James Hunter et al., (I.T.D. 1970-03), Cleveland M. Patrick (I.T.D. 1448-03), and Mary E. Forbes et al., (I.T.D. 924-04), the applicants, Willie, Laura, Lax, Addie, and Zeb Battles, they being in their minority on September 1, 1902, were citizens of the Cherokee Nation on that date.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section twenty-one of the Act below noted, Adeline Battles, Steve Battles, and Bruce Battles, are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that in accordance with the provisions of section twenty-one of the Act of Congress approved June 26, 1898 (30 Stat., 495), Willie Battles, Laura Battles, Lax Battles, Addie Battles and Zeb Battles, are entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly granted.

(Signed) Tams Bixby  
COMMISSIONER.

Dated at Muskogee, Indian Territory,  
this Sep 29 1905

( COPY )

Cherokee D 2631-  
2632-2633

Tahlequah, Indian Territory, December 12, 1903

W. T. Whitaker,

Pryor Creek, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 4, 1903, answering the Commission's letter of November 4, 1903, relative to the citizenship of Steve Bruce and Willie Battles, and in which you ask until March 1, 1904, to produce such evidence as will be necessary in the matter of the application for their enrollment.

In reply thereto you are advised that the Commission desires to dispose of such cases as rapidly as possible and, while proper opportunity will be given you to introduce any evidence you desire to offer, you are requested to name a day earlier than March 1, say February 1, 1904, for that purpose.

If it is impossible for you to get the evidence you need in that time, please advise us, and the matter will receive further consideration.

Respectfully,

Commissioner in Charge  
Cherokee Land Office



Cherokee  
D. 2631-2-3.

Tahlequah, Indian Territory, January 13, 1904

V. T. Whitaker,

Pryorocreek, Indian Territory.

Dear Sir:

The Commission is in receipt from Kimball & White, Washington, D.C. of a letter under date of January 6, stating that you have referred to them for reply Commission's letter to you of December 12, in regard to the date for hearing testimony in the matter of the applications of Steve, Bruce and Willie Battles for enrollment as citizens of the Cherokee Nation. Kimball & White request that the hearing of these cases be set for some time subsequent to the time when the Commission shall be again proceeding with the work of allotment. They have been notified, however, that this request cannot be complied with, and you are now directed to appear at the Cherokee Land Office of this Commission at Tahlequah on or before February 1, 1904, for the purpose of testifying as to the right to enrollment of the three children above named.

Respectfully,

MH

Cherokee  
D 2631-2-3.

Tahlequah, Indian Territory, January 13, 1904

Kimball & White,  
416 Fifth St., N.W.  
Washington, D.C.

Gentlemen:

The Commission is in receipt of your letter of January 6 entering your appearance as attorneys for applicants in Cherokee cases D-2631-2-3, Steve, Bruce and Willie Battles. You ask that the hearing of testimony in these applications for enrollment be postponed until the Commission again takes up the hearing of contests of allotment, at which time your Mr. White will personally represent these applicants.

is request the Commission cannot comply with for the reason that no definite date has been fixed when the work looking to the allotment of land in the Cherokee Nation will be resumed. Applications for enrollment are not in any manner connected with or dependent upon the allotment of land or the hearing of contests of allotment, and the Commission does not desire to extend the time for hearing testimony in applications for enrollment to an uncertain day in the future.

It is noted you state that the Commission's letter of December 12 to W. T. Whitaker, relative to the introduction of testimony in the above cases, was referred to you for reply. Mr. Whitaker has this day been written direct and notified to appear and give testimony in these cases not later than February 1, 1904.

Respectfully,

MR

( COPY )

Cherokee D-2631-  
2632-A 2633.

Tahlequah, Indian Territory, January 27, 1904

W. W. Whitaker,

Pryor Creek, Indian Territory

Dear Sir:

The Commission is in receipt of your letter of January 29th, stating that it will be impossible for you to come to Tahlequah on February 1st. to give testimony relative to the enrollment as citizens of the Cherokee nation of Steve, Bruce and Willie Battles, and asking that the time be extended to February 10th. In reply thereto you are advised that under the circumstances the time will be so extended and you will be allowed until February 10th, to appear before the Commission for the purpose indicated.

Respectfully

GWI

( COPY )

Cherokee 2631-  
2632-2633

Muskogee, Indian Territory, January 21, 1905

W. T. Whitaker,

Pryor Creek, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Steve Battles, Bruce Battles, and Willie Battles, you are advised that it will be necessary that further evidence be introduced before the Commission relative to their citizenship and residence in the Cherokee Nation. If you are able to give such evidence you are requested to appear before the Commission, as early as possible, at its offices in Muskogee, Indian Territory, and submit such testimony as you may have relative thereto.

This matter is very important, and you are urged to give it your immediate attention.

Respectfully,

Tams Bixby

Chairman

COPY!

Cherokee D-2631-  
2632--2633.

Muskogee, Indian Territory, March 8, 1905.

William Henry White,  
Columbian Building, 416 5th St., N. W.,  
Washington, D. C.

Dear Sir:

The Commission is in receipt of your letter of March 1, 1905, asking that the date for taking additional testimony in the matter of the application for the enrollment of Steve Battles, et al., as citizens by blood of the Cherokee Nation, be continued from March 13, 1905, to some day in April in order that you may be personally present at the hearing of this case and others without making two trips to the Territory.

On this date there was sent you the following telegram:

"For imperative reasons continuance requested by you in Cherokee Enrollment cases of Isabell Richter, et al., Steve Battles, et al., and Mariah Johnson, et al., cannot be granted. First case will be heard March nine. Last two March thirteen. Letter follows?"

In explanation of this action you are advised that for the following reasons the Commission cannot grant your request:

First--It is impossible to grant this and the many similar requests and at the same time expedite the work of the Commission.

Second--It is manifestly unfair to the attorneys for the Cherokee Nation for the Commission to continue a case without good

W H W 2

cause after they have gone to the trouble and expense of preparing for trial.

This case will be called for hearing on March 13, 1905, the day it was originally set for hearing.

Respectfully,

SIGNED: *C. R. Breckinridge.*  
Commissioner in Charge.

COPY.

Cherokee  
R-797 et al.

Muskogee, Indian Territory, September 20, 1905.

V. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the applications for the enrollment of Laura, Lax, Addie, Keb, and Willis Battles, and rejecting the applications for the enrollment of Adeline, Steve, and Bruce Battles, as citizens by blood of the Cherokee Nation.

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

Respectfully,

(SIGNED).

*James Bixby*  
Commissioner.

Incl. GL-86.  
GHL



copy.

Cherokee  
R-797 et al.

Muskogee, Indian Territory, September 30, 1905.

Kimball & White,

Attorneys for Laura Battles et al.,

Columbian Building, Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the applications for the enrollment of Laura, Iax, Addie, Zeb, and Willie Battles, and rejecting the applications for the enrollment of Adeline, Steve, and Bruce Battles, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

(SIGNED).

*Yvonne Bixby*  
Commissioner.

Incl. GL-55.  
GHL

COPY.

Cherokee  
D-2633

Muskogee, Indian Territory, September 30, 1905.

Willie Battles,

Andrews, North Carolina.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting, among others, the application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. Your attorneys, Kimball & White, Washington, D. C., have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

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

Respectfully,

SIGNED

*Tams Bixby.*

Commissioner.

Incl. 01-84.  
GHL

Muskogee, Indian Territory, September 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Laura Battles et al., as citizens by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the applications for the enrollment of Laura, Iax, Addie, Zeb, and Willie Battles, and rejecting the applications for the enrollment of Adeline, Steve, and Bruce Battles, as citizens by blood of the Cherokee Nation.

The Cherokee Enrollment case of Laura, Iax, Addie, Zeb, and Adeline Battles, Cherokee N-797 (Cherokee D-263), was remanded by the Department for further hearing on April 2, 1904 (I.T.D. 7162-1903).

Respectfully,

Yours truly,

*Tams Bixby*  
Commissioner.

Incl. 61-67.  
GXL

Through the  
Commissioner of Indian Affairs.

( COPY )

Land  
79537-1905

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.      October 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized tribes, dated September 30, 1905, transmitting the record of the consolidated application for enrollment as citizens by blood of the Cherokee nation by William T. Whitaker for Laura, Lax, Addie, Zeb and Adeline Battles; and by ~~James~~ Starr for Steve, Bruce and Willis Battles.

September 29, 1905, the Commissioner decided adversely to Adeline, Steve and Bruce Battles and favorably to all the other applicants.

The record shows that on November 20, 1902, the Commission to the Five Civilized Tribes recommended to the applicants, Laura, Lax, Zeb and Addie Battles the right to enrollment and that on January 15, 1903, the Department approved the decision; thereafter; on April 2, 1904 (I.T.D. 7152-1903) the Department remanded the case for further testimony and re-adjudication in accordance with present rulings. The record further shows that the applicants claim right to enrollment as

citizens by blood of the Cherokee Nation; that all of the applicants, except Adeline Battles are identified on the 1896 Cherokee Census Roll, and are children of the applicant, Adeline Battles and William Battles, deceased, a non-citizen, and all are children by blood; that on February 10, 1888, the applicants, Adeline (Addy), Steve (Stephen), Bruce, Lax, Willie (no), and Laura Battles were admitted to citizenship by the duly constituted authorities of the Cherokee Nation; that about the year 1890, these applicants, together with Addie and Zeb Battles who were born subsequent to their admission, removed from North Carolina to the Cherokee Nation where they continuously resided for three or four years, when they returned to North Carolina and have since, up to and including September 1, 1902, continuously lived outside of the Indian Territory; that on September 1, 1902, Adeline, Steve and Bruce Battles were several years past majority and the other applicants were minors.

It appears from the record that Adeline Battles removed with her effects and family from the Cherokee Nation in the year 1884, and has with them continuously resided in the State of North Carolina; that the minor's residence was that of the mother; that under Section 2 Article 1 of the Cherokee Constitution, she has forfeited all the rights and privileges as a citizen of the Cherokee Nation.

In view of the record the approval of the Commissioner's decision adverse to Adeline, Steve and Bruce Mattles is recommended and that the decision favorable to the other applicants be reversed is also recommended.

Very respectfully,

C. V. Larrabee  
Acting Commissioner

M. H.M. (W)

I.T.D. 13688-1905

L. H. C.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON .

November 1, 1905

Commissioner to the five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

The Indian Office, October 17, 1905, submitted the Cherokee enrollment case of Adeline, Steve, Bruce, Willie Mc., Laura, Lax, Addie and Zeb Battles, the papers in which were forwarded with your letter of September 30, 1905, and recommended that your decision of September 29, 1905, be concurred in. The case is styled in your letter, Laura Battles et al.

Adeline Battles is the mother of the other applicants. She, Steve, Bruce, Lax, Willie Mc and Laura Battles were readmitted to citizenship in the Cherokee Nation in 1888. Zeb and Addie appear to have been born subsequent to that time. About 1900 all of these applicants came from North Carolina to the Cherokee Nation and remained there three or four years, when they returned to North Carolina, after their mother had just been released from an insane asylum, where they appear to have remained.

You found that Willie Mc, Lax, Laura, Addie and Zeb Battles were minors September 1, 1902, and that they had not lost their citizenship, but that Adeline, at that time 47 years of age;

Steve, 23 years; and Bruce, 21 years, had forfeited their citizenship under section 2, Article I, of the Constitution of the Cherokee Nation, which, in part, is as follows:

"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; . . . . ."

The testimony is unusually unsatisfactory, but seems to justify your decision in favor of Willie, Laura, Lax, Addie and Zeb Battles, and your decision as to these applicants is hereby affirmed. The department, however, does not find that Adeline Battles, who apparently may never have entirely recovered her reason; Steve, who was in the Cherokee Nation for a short while in 1894, and being a consumptive returned to North Carolina upon the advice of his physician; and Bruce, who served in the Spanish-American war and in the United States army for three years after such war, have forfeited their citizenship. They are all adults, and do not appear to have had due notice of the hearing in this matter. ~~The testimony is hereby sufficient to~~ warrant their enrollment; at least some further effort for their benefit should be made to ascertain their citizenship status.

A rehearing is therefore directed as to them, after due notice. The residences of these applicants are known to you,



-3-

and they should be communicated with direct,

The record and a copy of the Indian Office letter submitting your report, are inclosed,

Respectfully,

(Signed) THOS KYAH

First Assistant Secretary

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Through the

Commissioner of Indian Affairs.

2 inclosures.

Cherokee D-2633.

Muskogee, Indian Territory, November 13, 1905.

Willie Battles,

Andrews, North Carolina.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 1, 1905.

You are further advised that you will not be permitted to make an allotment selection in the Cherokee Nation 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,

LS

Commissioner.

Cherokee R-797.

Muskogee, Indian Territory, November 13, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of November 1, 1905 (I.T.D. 13668-1905), in which the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Willie Mc., Lax, Laura, Addie and Zeb Battles is affirmed, and the decision adverse to Adeline Battles, mother of applicants, Steve Battles and Bruce Battles is returned to this office and a rehearing ordered. Further testimony is desired as to the right of these applicants for enrollment, and especially as to their residence and property interests in the Cherokee Nation.

You are, therefore, hereby notified that Adeline Battles, Andrews, North Carolina, Steve Battles and Bruce Battles of Pryor Creek, Indian Territory, have this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, December 7, 1905, and introduce testimony as above indicated. The Cherokee Nation will also

be permitted to appear on that day and introduce such testimony as it desires in this case.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. 8-1 27

Commissioner.

Cherokee R-797

Muskogee, Indian Territory, November 13, 1905.

William Henry White,  
416 Fifth Street, N. W.,  
Washington, D. C.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of November 1, 1905 (I.T.D. 13668-1905), in which the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Willie Mc., Lax, Laura, Addie and Zeb Battles is affirmed, and the decision adverse to Adeline Battles, mother of applicants, Steve Battles and Bruce Battles is returned to this office and a rehearing ordered. Further testimony is desired as to the right of these applicants for enrollment, and especially as to their residence and property interests in the Cherokee Nation.

You are, therefore, hereby notified that Adeline Battles, Andrews, North Carolina, Steve Battles and Bruce Battles of Pryor Creek, Indian Territory, have this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, December 7, 1905, and introduce testimony as above indicated. The Cherokee Nation will also

-2-

be permitted to appear on that day and introduce such testimony as it desires in this case.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-126  
Register

Commissioner.

Muskogee, Indian Territory, April 19, 1906.

Honorable Tams Bixby,  
Hotel Raleigh,  
Washington, D. C.

Sir:

There is inclosed herewith, prepared for your signature, letter addressed to the Department transmitting record of proceedings and decision in the Cherokee enrollment case of Adeline Battles, et al., and motion of Cherokee Nation for review of Departmental decision of November 1, 1905, in the Cherokee enrollment case of Willie Battles, et al.

If the letter as prepared meets with your approval, please return one of the ribbon copies, after attaching your signature thereto, in order that a letter press copy of same may be made.

Respectfully,

Incl. 3-94

Acting Commissioner.

Muskogee, Indian Territory, April 19, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith the record of proceedings had in the Cherokee consolidated applications for enrollment as citizens by blood of the Cherokee Nation of Adeline Battles, et al., Stephen D. Battles, Bruce W. Battles and Willie Battles, together with the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, rejecting the applications for the enrollment of Adeline Battles, Stephen D. Battles and Bruce W. Battles, as citizens by blood of the Cherokee Nation.

The records of this office show that on November 20, 1902, the Commission to the Five Civilized Tribes rendered its decision rejecting the application of William T. Whitaker for the enrollment of Laura, Lax, Zeb and Addie Battles as citizens by blood of the Cherokee Nation; that on January 15, 1903 (I.T. D. 8078-1902), the Commission's decision was affirmed by the Department, and that on April 2, 1904 (I.T.D. 7162-1903), at the request of the Commission, the department rescinded its decision as to said applicants, and remanded the case to the Commission for rehearing and readjudication. The records of this office



farther show that on September 29, 1905, the Commissioner to the Five Civilized Tribes, consolidating the applications for the enrollment of Adeline Battles, et al., Steve (Stephen D.) Battles, Bruce (W) Battles and Willie Battles, rejected the applications for the enrollment of Adeline, Steve and Bruce Battles and granted the application for the enrollment of Willie, Laura Lax, Addie and Zeb Battles, as citizens by blood of the Cherokee Nation, and that on November 1, 1905 (I.T.D. 13668-1905), the Department affirmed the decision of the Commissioner, dated September 29, 1905, insofar as it granted the applications for the enrollment of Willie Battles, Laura Battles, Lax Battles, Addie Battles and Zeb Battles, and remanded the case to the Commissioner for further hearing and readjudication sofar as it rejected the applications for the enrollment, as citizens by blood of the Cherokee Nation, of Adeline Battles, Steve (Stephen D.) Battles, and Bruce (W.) Battles.

There is also inclosed a motion made by the attorney for the Cherokee Nation for a review of the Department's decision of November 1, 1905, affirming the Commissioner's decision favorable to the applicants, Willie, Laura, Lax, Addie and Zeb Battles.

The records of this office show that the names of Laura Lax, Addie, Zeb and Willie Battles appear upon a schedule of citizens by blood of the Cherokee Nation, approved by the Depart-

ment January 13, 1906, opposite Nos. 32793 to 32797, respectively.

The record in the matter of the application for the enrollment of these applicants shows that they are children of William Battles, deceased, a noncitizen of the Cherokee Nation and Adeline Battles, a Cherokee by blood; that Willie, Laura and Lax Battles, with their mother, were admitted to citizenship in the Cherokee Nation on February 10, 1888, by the duly constituted authorities of the Cherokee Nation, and that about the year 1890, said applicants, with their mother, and the applicants, Addie and Zeb Battles, who were born subsequent to said act of admission, removed from North Carolina to the Cherokee Nation, where they continuously resided for three or four years, when they returned to North Carolina and have since, up to and including September 1, 1902, continuously resided outside of the limits of the Indian Territory. The record further shows that the applicants have neither owned nor controlled any property in the Cherokee Nation since their removal therefrom in 1894.

The Commissioner found that the applicants, Willie, Laura, Lax, Addie and Zeb Battles, were entitled to enrollment for the reason that they had not reached their majority on September 1, 1902, and therefore could not have forfeited their citizenship prior to that date.

The attorney for the Cherokee Nation contends that in accordance with the approved opinion of the Assistant Attorney

General for the Interior Department, dated December 28, 1905 (I.T.D. 13218-1905), these applicants are not entitled to enrollment as citizens by blood of the Cherokee Nation, and the applications for their enrollment should be rejected.

Under the rulings of the Department in the cases of Mary L. Strickland, et al., of January 4, 1906 (I.T.D. 18216-1905), Dock Davis, et al., of January 3, 1906 (I.T.D. 10726, 18214-1905), Hubert Henry, et al., of January 3, 1906 (I.T.D. 10072, 18218-1905), and Nellie Walker Litton, et al., of January 3, 1906 (I.T.D. 15258, 18212-1905), which decisions were, as will be noted, subsequent to the Department's decision in the cases of Willie Battles, et al., it is considered by this office that the motion should be granted, and it is so recommended.

Respectfully,

Incl. S-93

Commissioner

Through the

Commissioner of Indian Affairs.

-Copy-

Refer in reply  
to the following:  
Land 38633-1906.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, JUNE 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated April 19, 1906, transmitting the record of the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of Adeline Battles, Steve Battles and Bruce Battles.

April 19, 1906, the Commissioner decided adversely to the applicants.

The records shows that on September 29, 1905, the Commissioner to the Five Civilized Tribes rendered his decision in the consolidated case of Laura Battles et al., under the rulings of the Department in the cases of John R. Ketchum et al., (I.T.D. 1080-03), James Hunter et al (I.T.D.1970-03, Cleveland M. Patrick I.T.D.924-04), granting the applications for enrollment of Willie McC., Laura, Lax, Addie and Zeb Battles, minor children of Adeline Battles, and denying the enrollment of Adeline, Steve and Bruce Battles. On November 1, 1905 (I.T.D.13668-05), the Department affirmed the decision of the Commissioner favorable to the minor children and remanded the case for rehearing and readjudication as to Adeline, Steve, and Bruce Battles.

The record shows that the applicants are Cherokees by blood; that in 1888 they were admitted to citizenship by the legally constituted authorities of the Cherokee Nation and removed thereto in 1890; that after so removing they continued to reside therein until 1894 when they left the Nation and returned to their old home in North Carolina, where they have since continuously resided. It is further shown that the applicants own no property in the Cherokee Nation.

There is also enclosed a motion on behalf of the Cherokee Nation for review of the Department's decision of November 1, 1905 favorable to the minor children of Adeline Battles, Willie McC., Laura, Lax, Addie and Zeb Battles who also returned to North Carolina where they have continuously resided up to and including September 1, 1902, and have neither owned nor controlled any property in the Cherokee Nation since their removal therefrom in 1894.

In view of the record and of Sec. 21 of the Act of June 28, 1898 (30 Stats., 495), the approval of the Commissioner's decision adverse to the applicants, Adeline, Stephen D., and Bruce W. Battles, is recommended and the Commissioner's favorable report in the matter of reopening the Cherokee citizen case of Willie McC., Laura, Lax, Adeline and Zeb Battles in view of the decision in the case of Mary L. Strickland et al., of January 4, 1906 (I.T.D.18216-1905) is also recommended.

Very Respectfully,  
C. F. Larrabee,  
Acting Commissioner.

M.M.M.  
MEM

I.T.D.10994-1906.

J.F.Jr.  
LLB.

DEPARTMENT OF THE INTERIOR,

Washington, February 13, 1907.

L.R.S.

Direct

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

Sir:

On June 13, 1906 (Land 38633-1906), the Indian Office transmitted your report, together with the record of proceedings, in the matter of the consolidated applications for the enrollment as Cherokees by blood of Adeline Battles et al., Stephen D. Battles, Bruce W. Battles and Willie Battles.

On November 1, 1905, the Department affirmed your decision dated September 29, 1905, in this case, in so far as it granted the applications for the enrollment of Willie Battles, Laura Battles, Lax Battles, Addie Battles and Zeb Battles, and remanded for a further hearing and readjudication the applications for enrollment as citizens by blood of the Cherokee Nation of Adeline Battles, Steve (Stephen D.) Battles and Bruce (W) Battles.

You now transmit your decision dated April 19, 1906, rejecting those applications remanded to you for a further hearing and you also forward a motion filed by the attorney for the Cherokee Nation for a review of departmental decision of November 1, 1905, affirming your decision, favorable to the applicants Willie,

Laura, Lax, Addie and Zeb Battles. You recommend that said motion be granted.

The Indian Office concurs in your recommendation for favorable action upon the motion and also in your decision, adverse to the other applicants. A copy of its letter is enclosed.

The department had reviewed your decision, favorable to the applicants Willie, Laura, Lax, Addie and Zeb Battles.

It appears that said applicants are the minor children of Adeline Battles and that they removed with their mother to the Cherokee Nation in 1890, remaining there until 1894, when they returned to North Carolina.

In view of these facts and opinion of the Assistant Attorney-General in the Lorenzo Newton Davis case, it is considered that your decision dated September 29, 1905, and affirmed by the Department November 1, 1905, is correct and should not be disturbed.

Your decision of April 19, 1906, adverse to the applicants, Adeline, Stephen D. and Bruce W. Battles, is affirmed.

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

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 lhc. and 4 to Ind. Of.

Cher 10959

Martha Hamilton

Trans. from D100

Cher 10959



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DEPARTMENT OF THE INTERIOR  
MISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
AUG 19 1901

*[Handwritten signature]*  
Special Agent

Department of the Interior  
Commission to the Five Civilized Tribes,  
Salisbury, I. T., August 3, 1906.

I have to return the application of Martha Hamilton for enrollment as a citizen by blood of the Cherokee Nation; being sworn and examined by Commissioner Goodles she testifies as follows:

- Q What is your name? A Martha Hamilton.
- Q What is your age? A I don't know exactly, I am twenty-seven ~~or thereabouts~~ going on twenty-eight. (Applicant is decided to be at least thirty-seven years old.)
- Q What is your marital status? A I am married.
- Q Are you a member of the Cherokee Nation? A Yes sir.
- Q What is your present office and dress? A I am in the Cherokee Nation, and live at Salisbury; I am going to move here to Salisbury.
- Q What district do you live in now? A I have been living in Council District for some time.
- Q What district did you live in in 1890? A In Cooperscove District.
- Q How did you get your enrollment of the rolls of the Cherokee Nation? A I was in 1890.
- Q How did you get on the roll of 1890? A I had my name enrolled in 1890, but my father had enrolled I got sick, but I went to Coffeyville, and when I came back I went to Telegraph to get my money, and I was in there, and when I went there they had says, - and old man had was there, they still wait until 1893 and I could draw my money, so, in 1893 I drew the same amount the others drew, but I didn't get my eighty money, and they don't let me get.
- Examined by Cherokee Representative Testifies:
- Q How much did you draw in 1890? A It's on the rolls.
- Q Don't you remember? A Yes, my brother knows how much I drew.
- Q You say you was enrolled in your brother's? A Yes sir, I was.
- Q What was your brother's name? A James R. Simmons.
- Q Have you drawn any more since 1890? A No sir.
- Examined by Commissioner Goodles:
- Q Where were you in 1890? A I was on my farm, but I didn't get on the roll.
- Q Why didn't you get on the roll in 1890? A I didn't do it, that's all.
- Q Why didn't you draw your Strip money in 1894? A I was sick and my brother didn't appear before the committee to have my name put on the roll.
- Examined by Cherokee Representative Testifies:
- Q Didn't you make application to the Dawes Commission in 1896 didn't you ask them to enroll you? A I never thought of such a thing; I had no use to go to the Dawes Commission in 1896, they wasn't enrolling people in 1896, they was hunting up intruders, and I had no business to go before the Dawes.
- Q Where were you when the war was going on? A I don't know, for I don't know anything about it; I was born and raised partly on Warren Park and partly in Coody's Luff and partly in Saline. I was born and raised in the Cherokee Nation most of the time.
- Q What proportion of Cherokee blood do you claim? A About half white and half Cherokee.
- Q Your father was a white man? A My father was a half-breed Cherokee and my mother was a half-breed and my brother Jim is a half-breed and I am a half-breed. We are full brother and sister; my mother was old Ollie Buffington's niece; she died before eighty, six years.

Martha Hamilton #2

Q Who were you living with in 1896? A Living with my brother on Bar on Work.

Contr. Needles: Upon examination of the rolls of 1880 and 1896 and 1898 the name of the applicant cannot be found; she avers that her name is on the pay roll of 1893; as that roll is not now in the possession of the Commission, judgment as to her admittance will be suspended and her name will be placed upon a doubtful card.

W. 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.

*W. D. Green*

Subscribed and sworn to before me this 13th day of August 1900.

*[Signature]*

Commissioner

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

AUG 24 1900



ACTING CHAIRMAN

ENROLLMENT REFUSED.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
SALLISAW, I.T., AUGUST 6, 1900.

In the matter of the application of Martha Hamilton for enrollment as a citizen of the Cherokee nation, said Hamilton being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Martha Hamilton.  
Q Your age? A 37.  
Q Your postoffice? A Sallisaw.  
Q Have you been recognized by the tribal authorities of the Cherokee Nation as a citizen of the Cherokee Nation? A Yes.  
Q Have you ever been enrolled by the Cherokee tribal authorities as a citizen of the Cherokee Nation? A Yes.  
Q Does your name appear upon the tribal rolls of the Cherokee Nation? A Has appeared there.  
Q Does it appear now? A I suppose so, it has been there.  
Q What district do you live in? A In this district, Sequoyah.  
Q How long have you lived there? A About 4 months.  
Q Where did you live before that? A Coowescoowee district.  
Q How long have you lived there? A 15 years.  
Q Have you lived continuously in the Cherokee Nation for the last 15 years? A Yes, was born and raised here.  
Q What is the name of your father? A Jack Simmons.  
Q Is he living? A No sir.  
Q Where did he die? A In the Cherokee Nation.  
Q Was he a recognized citizen? A Yes.  
Q When did he die? A Before '80.  
Q What is your mother's name? A Agnes.  
Q Is she living? A No sir.  
Q Was she a citizen of the Cherokee Nation? A Yes.  
Q When did she die? A Before '80.  
Q Does your name appear upon the '80 authenticated roll of the Cherokee Nation? A Yes.  
Q Does it appear upon the '94 strip-payment roll? A No sir.  
Q Does your name appear upon the '96 roll? A No sir.  
Q What proportion of Cherokee blood do you claim? A 1/2.  
Q Are you married? A I am a widow.  
Q Have you any children? A No sir.  
Q Your name in '80 was Simmons? A Yes.  
Q When were you married? A I was married after '80.

The authenticated roll of '80, the census roll of '96, and pay-roll of '94, being thoroughly examined, the name of Martha Hamilton does not appear thereon.

Your application for enrollment as a citizen of the Cherokee Nation is refused for the reason that under the Act of Congress approved May 31, 1900, The Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the secretary of the Interior.

The Commission will transmit this decision denying your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of citizens of the Cherokee Nation are sent to him for consideration and approval.

ENROLLMENT REFUSED.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
SALLISAW, I.T., AUGUST 6, 1900.

In the matter of the application of Martha Hamilton for enrollment as a citizen of the Cherokee nation, said Hamilton being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Martha Hamilton.  
Q Your age? A 37.  
Q Your postoffice? A Sallisaw.  
Q Have you been recognized by the tribal authorities of the Cherokee Nation as a citizen of the Cherokee Nation? A Yes.  
Q Have you ever been enrolled by the Cherokee tribal authorities as a citizen of the Cherokee Nation? A Yes.  
Q Does your name appear upon the tribal rolls of the Cherokee Nation? A Has appeared there.  
Q Does it appear now? A I suppose so, it has been there.  
Q What ~~district~~ district do you live in? A In this district, Sequoyah.  
Q How long have you lived there? A About 4 months.  
Q Where did you live before that? A Coowescoowee district.  
Q How long have you lived there? A 15 years.  
Q Have you lived continuously in the Cherokee Nation for the last 15 years? A Yes, was born and raised here.  
Q What is the name of your father? A Jack Simmons.  
Q Is he living? A No sir.  
Q Where did he die? A In the Cherokee Nation.  
Q Was he a recognized citizen? A Yes.  
Q When did he die? A Before '80.  
Q What is your mother's name? A Agnes.  
Q Is she living? A No sir.  
Q Was she a citizen of the Cherokee nation? A Yes.  
Q When did she die? A Before '80.  
Q Does your name appear upon the '80 authenticated roll of the Cherokee nation? A A Yes.  
Q Does it appear upon the '94 strip-payment roll? A No sir.  
Q Does your name appear upon the '96 roll? A No sir.  
Q What proportion of Cherokee blood do you claim? A 1/2.  
Q Are you married? A I am a widow.  
Q Have you any children? A No sir.  
Q Your name in '80 was Simmons? A Yes.  
Q When were you married? A I was married after '80.

The authenticated roll of '80, the census roll of '96, and pay-roll of '94, being thoroughly examined, the name of Martha Hamilton does not appear thereon.

Your application for enrollment as a citizen of the Cherokee Nation is refused for the reason that under the Act of Congress approved May 31, 1900, The Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the secretary of the Interior.

The Commission will transmit this decision denying your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of citizens of the Cherokee Nation are sent to him for consideration and approval.

Brown McDonald, being sworn, says as Stenographer to the Commission to the Five civilized tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

*Brown McDonald*

Sworn to and subscribed before me, this 24th day of August, 1906,  
at Fort Gibson, I.T.

*C. H. Mearns*  
Commissioner

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
AUG 8 1900

  
ACTING CHAIRMAN



# CHEROKEES BY BLOOD AND ADOPTION.

Date. 8 1900 1900.

Name .....

District ..... Year ..... Page ..... No. ....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name (37) Martha Hamilton

District ..... Year ..... Page ..... No. ....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen ..... parents of Jack Simmons

Married under what law ..... Date of marriage Ames

License ..... Certificate .....

Names of Children:

Dist.	Year	Page	No.	Age
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MISSION TO THE  
MILITARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., AUGUST 22, 1900.

In the matter of the application for enrollment of Martha Hamilton on D-card 100, Caty Smith being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Caty Smith.  
Q Your age? A 44.  
Q Your postoffice? A Webbers Falls.  
Q Are you married? A Yes.  
Q What is your wife's name? A Martha.  
Q What was her maiden name? A Simmons.  
Q Is she a Cherokee by blood? A Yes.  
Q What was her father's name? A Honey Simmons.  
Q What was her mother's name? A Mary.  
Q Is your wife's name upon the roll of '80? A Yes.  
Q How is it upon that roll? A As Martha Simmons.  
Q On '80 roll, page 46, number 1291.  
Q How old is your wife? A She claims to be 38, about 38.  
Q That you make her 18 in '80? A Yes, I guess so.  
Q Did you know a Jim Simmons who once lived in Canadian district--  
he was killed by some one? A Yes.  
Q Who killed him? A Jack Davis.  
Q Was that Jim Swimmer a recognized citizen of the Cherokee nation?  
Q I don't know his family were Cherokees.  
Q Do you know whether he was recognized? A They claimed he was a  
negro. He was no citizen-- I could not tell you anything about him.  
Q Was his wife a citizen and family? A Yes.  
Q Do you know whether he had a son by the name of Jim Simmons? A No,  
I don't recollect what his name was.  
Q Did you ever know another Martha Simmons in that district? A No sir.

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 full, true and complete transcript of his stenographic notes thereof.

*Brown McDonald*

Subscribed and sworn to before me this 11th day of September,  
1900.

*Commissioner*

Commissioner.

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

FILED

AUG 27 1900

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ACTING CHAIRMAN

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I. T. / AUGUST 28, 1900.

In the matter of the application of Martha Hamilton for enrollment as a citizen, by blood, of the Cherokee Nation.

Commissioner Needles:

The Judgment in this case, while the application for enrollment was refused, is hereby vacated and declared void. Supplemental Judgment, suspending final judgment, placing her name upon a doubtful card. This will be considered as an actual Judgment of the Commission.

I, John O. Rosson, being first sworn, say that as Stenographer to the Commission to the Five Civilized Tribes, I reported the above judgment in the matter of the application of Martha Hamilton for enrollment as a citizen of the Cherokee Nation, and that the above and foregoing is a full, true and correct transcript of my stenographic notes.

John O. Rosson

Subscribed and sworn to before me this 27th day of August, 1900.

C. M. ...

Commissioner.

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CONFIDENTIAL

FOR AN OFFICE IN THE OFFICE OF THE SECRETARY OF THE INTERIOR

COMMISSION TO THE INTERIOR CIVILIZED TRIBES

1902

THE COMMISSION TO THE INTERIOR CIVILIZED TRIBES... THE SECRETARY OF THE INTERIOR... CIVILIZED TRIBES... 1902

CONFIDENTIAL

Supl.-C.D.#100.

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

SUPPLEMENTAL in the matter of the application of MARIKA HAMIL-  
TON as a citizen of the Cherokee Nation:

Applicant and her attorney, Robert Teemer, Muskogee, In-  
dian Territory, were notified by registered letter January  
31, 1902, that her case would be taken up for final consider-  
ation by the Commission on the 17th inst., and that they would  
on said date be given an opportunity to introduce any addition-  
al testimony affecting this application. Receipt has been ac-  
knowledged of the registered letter. The applicant and her  
attorney have been called three times and fail to respond, and  
the case is closed.

*C. A. McQuinn*

Commissioner.

J.O.R.

R.  
Cher. D-100.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 14, 1903.

In the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation.

Appearances:  
D. M. Wisdom, attorney for applicant.

SARAH E. MANN, being first duly sworn, and being examined, testified as follows on behalf of applicant.

BY COMMISSION: What is your name? A Sarah E. Mann.  
Q What is your post office address? A Muskogee.  
Q How old are you? A Thirty-five.  
Q Are you acquainted with the applicant in this case, Martha Hamilton? A Yes sir.  
Q How long have you known Martha Hamilton? A About sixteen or seventeen years.  
Q Where have you known her? A At Tulsa, Indian Territory.  
Q Are you a citizen of the Cherokee Nation? A Of the Creek Nation.  
Q You are a citizen of the Creek Nation? A Yes sir.  
Q How long did you know Martha Hamilton at Tulsa? A I have known her about sixteen or seventeen years. I lived there-- I don't know, about ten years, I guess.  
Q Did she live in Tulsa? A She lived in the Cherokee Nation on a farm.  
Q Tulsa is right near the line of the Cherokee and Creek Nations, is it? A Yes sir, part of Tulsa is in the Cherokee Nation.  
Q Her post office, though, is Tulsa? A Yes sir.  
Q She came there to town frequently? A Yes sir, she works in town there ~~some~~ a good deal.  
Q How old a woman is Martha Hamilton, would you judge?  
A Really I don't know. She must be about forty years old, somewhere.

BY MR. WISDOM: She is older than you are? A She is a good deal older than I am.

BY COMMISSION: Did you know her father and mother? A No sir, I didn't know her father and mother.  
Q She was a grown woman when you first became acquainted with her? A Yes sir.  
Q Where does Martha Hamilton live now? A She is working here in town somewhere, I think.  
Q Here in Muskogee? A Yes sir.  
Q How long, if you know, has she been here in Muskogee? A I really don't know. She was at my house about six months ago, I think, along in the fall some time. She was working here then. I have only seen her once since then. I met her here on the street.  
Q Has she lived in the Indian Territory all the time for the last sixteen or seventeen years that you have known her? A Yes sir.  
Q You have seen her frequently? A Yes sir.  
Q Do you know anything about her being enrolled as a Cherokee?  
A No sir, I don't know that she is enrolled as a Cherokee. She claimed to be a Cherokee citizen, and had a farm there, and I never heard it disputed. Every one spoke of her as a Cherokee citizen.  
Q You don't know anything about her relatives? A No sir, I know her brother.  
Q What is her brother's name? A Jim Simmons.  
Q How old a man is Jim Simmons? A He is dead now. I don't know, he was older than her, I think. He was a grown man when I knew him.



D-100--2.

Q How long has he been dead? A As well as I remember, he has been dead about ten years. I would not be sure, but I think it is along about that.

Q Did you know whether she had any other brother or sister?

A No sir.

Q Never heard her speak of them? A Yes sir, I heard her ~~say~~ speak of having relatives down close to Tablequah, and I think she had some relatives down close to--down here by the Falls.

Q Webbers Falls? A Yes sir, across the river there. I know that is where she went. While she was gone someone broke into her house and stole a feather bed and a lot of her things. She lived on a farm, and when she came back some one had stolen her feather bed. She said she had been visiting some of her relatives down there. I don't remember whether it was her sister or not.

Q Where was her brother living, Jim Simmons, at the time of her death? A Tulsa.

Q In the Cherokee or the Creek Nation? A In the Cherokee Nation.

Q Do you know what district in the Cherokee Nation that is?

A No sir, I don't.

Q Tulsa is northwest of here? A Yes sir, it is just half a mile north of the Arkansas River.

Q Is that in what is known as Cooweescoowee District?

A Really, I don't know.

Q How long did you know Jim Simmons before she died? A I must have known him five or six years, something like that.

Q Did he always live up there, when you knew him? A Yes sir, from the time I moved to Tulsa myself he was living there, and he stayed there till he died.

Q You never knew where he lived, what district he lived in, nor in 1880, did you? A No, I don't, in 1880, no.

This case will be continued until after the opening of the Land Office at Tablequah for the taking of testimony there, for the purpose of further identifying this applicant.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation, Cherokee Doubtful Card No. 100.

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Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission he recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 16th day March, 1903.

Edward Merrick  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., SEPTEMBER 6, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of  
MARTHA HAMILTON as a citizen by blood of the Cherokee Nation.

APPEARANCES; Applicant appears in person and by Robert  
Toomer, attorney.  
No appearances on behalf of the Cherokee Nation.

Sarah K. Mann being first duly sworn testified as follows:

By Mr. Toomer:

Q Is your name Sarah K. Mann? A Yes sir.

Q Are you the same witness who testified in this case on the 14,  
of March, 1903? A Yes sir.

Q Did you know Martha Hamilton at the time of the Cherokee payment  
in 1880? A I knew her at one time of the Cherokee payment, I don't  
know whether it was 1880 or not. I don't remember the year.

Q Do you know whether or not that she drew money as a Cherokee  
citizen at that time? A I wasn't with her but she went away and  
had money she said she drew at that time.

Q Do you know her condition at that before that payment? A She  
was working out for her living.

Q Did she have any money? A None that I knew of.

Q After the payment and after she came back did she have plenty of  
money? A She had plenty of money.

Q Was it understood that she drew money as a Cherokee citizen?

A Yes sir. Every one spoke of her as drawing money and having money  
after the payment.

Q I understood you to say she had plenty of money? A She had plenty  
plenty of money after she come back.

Q Do you know how Jim Simmons come to his death? A I don't know,  
I heard he was killed, that was all.

Q Do you know where it was reported he was killed? I don't remember  
now now, I have forgot; I heard them speak of it several times but I  
don't remember now.

By the Commission:

Q This payment you speak of Mrs. Mann, wherein Martha Hamilton drew  
money, about how many years ago do you think that was? A I can't  
tell; it has been quite awhile ago.

Q Do you think as much as 20 years ago? A Well, hardly.

Q Whereabouts did she draw this money? A I don't know; she said  
she went to Tahlequah.

Q Do you know who was making the payment over there? A No, I don't  
know. I did but have forgotten now.

Q The person you speak of under the name of Jim Simmons, is that a  
brother of Martha Hamilton? A Yes sir, they claimed to be brother  
and sister; every one knew them as brother and sister.

Q Well, did you do you know anything about her brother, about his  
Cherokee citizenship, whether he drew any money? A No, only that  
he and her went together.

Q Did she tell you how much she drew? A I don't remember whether  
she did or not.

Q Where does Martha Hamilton live now? A I suppose she stays here  
in Muskogee, she says she does; I haven't seen her for quite awhile  
until last week.

- Q How long have you known her? A I don't know; I suppose it has been 20 years.
- Q Have you ever known her to live any place except in the Cherokee Nation, Cherokee or Creek Nations? A Never have until she has been staying here in Muskogee. She had a farm there in the Cherokee Nation and would go and work out in town.
- Q Do you know anything about her owning a farm in the Cherokee Nation now? A She ought to own it but I guess they have about taken it away from her.
- Q Do you know whether or not she drew any money since that payment 20 years ago? A No, I don't.
- Q You don't know of your personal knowledge? A I No, I do not.
- By Mr. Toomer.
- Q In your testimony given in March 1903, you state to have been acquainted with Martha Hamilton about 16 years? A Well, I must have known her longer than that, because I knew her before I was grown.
- Q Well, you are sure you knew her at the time this payment was made of which you speak? A I knew her at one payment, I don't know which one, but I remember she went away and come back with money.
- Q Do you know any colored people, Cherokee freedmen, by the name of Simmons? A I don't know whether they are freedmen or not, but I know some colored people by the name of Simmons, a man by the name of Jim Simmons. They are citizens of some kind I know, but I don't know what.

Martha Hamilton being first duly sworn, testified as follows:

By Mr. Toomer:

- Q What is your name? A Martha Hamilton.
- Q What is your postoffice address? A At this present time it is Muskogee.
- Q About how old are you Mrs. Hamilton? A I was born in 1867.
- Q Are you the individual who was enrolled as a Cherokee by the name of Martha Simmons? A I was enrolled by the name of Martha Simmons in 1880; at that time I were a girl and my name was Martha Simmons and I was enrolled as Martha Simmons by John Hicks.
- Q Did you have a brother by the name of Jim Simmons? A Yes sir.
- Q Is he living? A No sir.
- Q How did he come to his death? A Jack Davis killed him.
- Q Whereabouts? A Not far from Porum's Gap, Canadian district, Cherokee Nation.
- Q Did you draw money from the Cherokee Nation as Martha Simmons? A Yes sir, I did in 1880.
- Q Did you ever draw any money as Martha Hamilton? A In 1883 I drew a widow, Martha Hamilton.
- Q Do you own a farm in the Cherokee Nation? A I owned a farm in the Cherokee Nation in Coowascoowee district, two and one-half miles north of Tulsa, on Pool creek on the Coffeyville road.
- Q How long did you occupy that place? A It has been more than 18 years since I planted my farm north of Tulsa in the Cherokee Nation.
- Q Was there ever any question raised as to your citizenship as a Cherokee until you asked this last enrollment? A That is the first.

By the Commission:

- Q What was the first money you remember of drawing from the Cherokee Nation? A Bread money and Aid money.
- Q Do you remember when that was? A That was the year before the-- that has been about 26 years ago, about 2 years before 1880.
- Q How much did you draw at that time? A I have forgot.
- Q When was the next payment? A 1880 as I remember.
- Q How long did you go by the name of Martha Simmons? A I went until I was married, betwixt 1880 and 1883.

- Q Where was you living at the time of this payment? A Coody's Bluff.
- Q In what district is Coody's Bluff? Coowescoowee.
- Q When was the next payment you remember of drawing before after 1885? A It was 1885 and 1886.
- Q You draw money in both these years? A Yes sir, it is on both these rolls how much I drew.
- Q How long did you live in Coowescoowee district, Mrs. Hamilton?
- A I lived from--- I moved from Barren Fork to Coody's Bluff before I was married; I lived there four years before I was married.
- Q Did you draw what was known as the strip payment? A No, I did not.
- Q What was the reason you did not draw this money? A I was sick.
- Q Where were you living? A I was living on my farm at Tulsa, Cherokee Nation.
- Q You don't know whether your name is on the 1880 roll or not, do you Mrs. Hamilton? A 1880?
- Q Yes? A It ought to be there if it is not.
- Q At the time of the making of the 1880 roll you were living in Coowescoowee district? A Yes sir, Coody's Bluff.
- Q Do you know whether your name is on the 1896 census roll or not?
- A I know I drew money, but of course I don't know any more.
- Q The 1896 roll was a census roll made by the Cherokee authorities and do you remember whether you enrolled, or tried to enroll in 1896, 8 years ago? A My name was enrolled for payment, and of course I remember of getting my money.

Edward Crowell, being first duly sworn, testified as follows:

By Mr. Toomer:

- Q What is your name? A Edward Crowell.
- Q What is your postoffice address? A Tulsa.
- Q How old are you Mr. Crowell? A 59.
- Q Do you know Martha Hamilton? A Yes sir.
- Q Is that her? (Pointing to applicant) A Yes sir.
- Q How long have you known her? A 18 or 20 years.
- Q Where did she live when you first knew her? A Near Tulsa.
- Q Who did she live with then? A Her and her brother lived together.
- Q What was his name? A I don't remember his name now.
- Q Would you remember it if it was called to you? A Yes sir.
- Q Was it Simmons? A Yes sir.
- Q Was it Jim Simmons? A I don't know that.
- Q How close did they live to you? A About two miles and a half.
- Q How long did they live that close to you? A It must have been 8 or 10 years.
- Q Was Jim Simmons a Cherokee? A He said he was.
- Q Was there ever any question about his being a Cherokee? A I never heard any.
- Q Was he recognized as a Cherokee? A Yes sir.
- Q Do you know what became of Jim Simmons? A I heard he died, I don't know.
- Q Do you know anything about how he come to his death? A No sir.
- Q Did Martha Hamilton here live with him there? A They made a place there; he stayed with her quite awhile, and then he worked up there in town for Perryman.
- Q Do you remember whether Martha Hamilton drew money at the Cherokee payment? A I don't know it; I only heard that she got the money.
- Q Do you know any circumstances what would leave you to believe that she did get the money? A Well, we think that she got it on account of her being in better circumstances and buying some town property there.
- Q After the payment? A Yes sir.

- Q It was an understanding in the neighborhood that they were Cherokees and drew the money? A They passed for Cherokees; they made a great big farm there.
- Q How long did they live on that farm? A I don't remember exactly, it must have been 8 or 10 years after the brother left before she moved up town.
- Q Do you remember whether Jim ~~Will~~ Simmons died a natural death or was killed? A No, I don't; I don't think I was in the country when he died.
- Q Do you know of any other Jim Simmons up in there? A There was two men near there more, one was a negro and the other was a white man.
- Q You never knew of any other Jim Simmons that was a Indian except the brother of this woman? A No.
- Q Have you any interest in this case at all? A None at all.

By the Commission:

- Q You are certain it was the 1880 payment that this party drew at the time she bought the town property shortly after, are you?
- A Yes sir, if she drew any money at all; it was just after that she bought the town property.
- Q Did the applicant and her brother both draw money in 1880, as you understood it? A I couldn't say about that.
- Q Did you ever hear it intimated or talked of, that this party and her brother were colored people? A Well, some people thought they were mixed blooded.
- Q Where was the applicant living in 1880? A I don't know for sure whether she was living on the farm or had moved to town.
- Q It was all in the same district wasn't it, in Cooweescoowee district? A I could not say whether she was in the Creek or the Cherokee Nation; if she was in the back end of the house she was in one Nation, and if in the front end in the other Nation.
- Q You don't say you don't know how Jim Simmons, the brother of Martha Hamilton here, met his death? A No sir.
- Q Was Martha Hamilton living near Tulsa when you first knew her?
- A Yes sir; the first I knew of these people they were settling a place on the public domain.

By Mr. Toomer:

- Q Did you ever hear of her being disturbed by the Cherokee authorities about building that place? A No sir.

Applicant, Martha Hamilton, being recalled testified as follows:

Mr. Toomer:

- Q Where did you first live that you remember in the Cherokee Nation?
- A Barron Fork.
- Q Now where did you go from Barron Fork? A Grand Saline.
- Q Do you remember how long you lived there? A I lived there until I was about 14 years of age. From there I went to Coody's Bluff, where I was married, and from there I went to where we made the farm near Tulsa.
- Q Do you remember of ever living anywhere else except in the Cherokee Nation? A No sir.
- Q When you married did they have any record of marriages of people in your Nation? A We just went before the clerk and got married.

By the Commission:

- Q Did you ever have any other brothers or sisters than this brother Jim? A Not full brothers.
- Q Did you have some half brothers or sisters? A I had one full sister, Eliza Simmons, she died.

- Q What was your half brother's name? A My half brother was named William Bain.
- Q Is William Bain living now? A He is dead.
- Q Did your half brother, William Bain, ever draw any money from the Cherokees? A I don't know.
- Q You don't know whether he is on any of the rolls or not? A No, I don't.
- Q What was your father's name, Mrs. Hamilton? A My father was named Jack Simmons.
- Q What was your mother's name? A Agnes.
- Q When did your father die? A Died when I was quite small. My mother died when I was a right small girl.
- Q Was your father a Cherokee? A Half white and half Cherokee.
- Q And your mother, what blood was she? A Half white and half Cherokee.

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Louise Smith, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of her stenographic notes thereof.

*Louise Smith*

Subscribed and sworn to before me this 7th day of September, 1904.

*W. B. Martin*  
Notary Public.

201040

**FILED**  
FEB 10 1905  
COMMISSION TO FIVE TRIBES

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., OCTOBER 21, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation.

APPEARANCES:

Applicant appears in person and by Attorney, R. L. Toomer. Cherokee Nation, no appearance.

The following testimony is taken on behalf of the applicant without notice to the Cherokee Nation and subject to a recall by the Attorneys for said Nation.

DEWIT C. WILSON, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A DeWit C. Wilson.  
Q What is your age? A 44.  
Q What is your post office address? A Tahlequah, Indian Territory.  
Q Are you acquainted with the applicant in this case, Martha Hamilton? A Yes sir.  
Q How long have you known her? A I have known her for 20 years.  
Q How old is she? A I don't know she is over 45 years old, I think she is older than I am.  
Q Do you know whether or not she is a Cherokee by blood? A No sir I don't know whether she is or not.  
Q Where has she resided during the time you have known her? A She was at Tahlequah when I knew her.  
Q Was she living there? A She was making that her head-quarters, she has been at Tahlequah a good many times but it was in Tahlequah where I knew her.  
Q Were you acquainted with her father and mother? A No sir don't know anything about her father.  
Q What District in the Cherokee Nation is Tahlequah in? A Tahlequah.  
Q Did you know her prior to 1860? A No sir, it was in the early 80's when I first recollect Martha.

BY MR. TOOMER:

- Q Do you know of her drawing money there at the Cherokee payments?  
A Martha used to talk a great deal about the money that she got for in the Cherokee payment and came in the store where I had been working for a number of years, and she had some money and she told me she had drawn that money from the Treasurer of the country.  
Q She was not taken as an Indian? A She must have been taken as an Indian if she drew that money or she would not have drawn it, she stayed in that town and lived around there.  
Q Does she look like an Indian? A Yes sir she looked like an Indian, she always said she was an Indian.  
Q From her personal appearance about what degree of Indian blood would you think she had? A From her appearance she is dark enough to be nearly a full blood.  
Q Are you a Cherokee by blood? A Yes sir.



- Q Were you raised in the Tahlequah country? A Yes sir born and raised in Tahlequah.
- Q During the time of your acquaintance with Martha Hamilton did you ever hear of her Indian blood being questioned until this enrollment? A I have heard something about Martha's having some difficulty about getting on the roll in that country, but not enough to give you any definite information. Got more from her than anybody else.
- Q Lately? A Here lately I have heard she had some trouble about getting on the roll before the Dawes Commission.
- Q Did you know her maiden name? A I have known her mostly by the name of Martha is about all I know.
- Q You don't know whether her maiden name was Simmons or not? A No sir I don't, I have known her over 20 years and I have always known her as Martha, I don't know whether it was Simmons or not, I have seen her a good many times.

BY THE COMMISSION:

- Q Do you remember at what time she claims to have received money? A It must have been along about 1883, it has been fully 20 years since I remember her and I have been in this firm selling goods ever since 1879, and I think it must have been about that year.
- Q Do you know anything about the procedure they followed in making those names to those entitled to receive money? A They only enrolled those they knew to be citizens.
- Q And where they received money their names appeared on the roll? A Yes sir.
- Q When the money is received it is receipted by you signing the rolls? A I suppose so I have drawn money, but I don't remember whether I have signed or not.
- Q But you have drawn money? A Yes sir.
- Q Then if she did draw money in 1883 her name would appear on that roll? A Yes sir it would be on that roll.

BY MR. TOOMER:

- Q Martha Hamilton may have drawn this money under the name of Martha Simmons at the time you speak of? A She may have done so, I don't know what name she would have drawn under, I remember her telling me where she got her money.

BY THE COMMISSION:

- Q Do you know where Martha has been living since you first knew her? A No sir, I don't know I have seen her several times during the 20 years but I don't know where she has been.
- Q You know whether or not she has been living in Tahlequah continuously? A She hasn't, no sir, she lived in Tahlequah quite awhile this past year.
- Q How do you judge Martha to be when you first knew her? A I don't know she was a good woman then and that has been over 20 years ago.
- Q Can you give any definite idea as to about what her age was at that time? A 20 years ago she must have been fully 28 or 30 years old then, she was a older woman than I am a man, and that has been 20 years ago, I had no occasion to think about her age.

-----oOo-----  
H. M. Vance being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of February, 1904.

*H. M. Vance*  
Notary Public.

Indian Territory,

190

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in

Attorney for Applicant.

*566*

Cherokee D 100

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

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In the matter of the application for the enrollment of  
Martha Hamilton as a citizen by blood of the Cherokee Nation.

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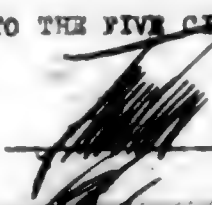

D E C I S I O N .

IT APPEARS FROM THE RECORD HEREIN: That, on August 8,  
1900, Martha Hamilton appeared before this Commission at Sallisaw,  
Indian Territory, and made application for the enrollment of her-  
self as a citizen by blood of the Cherokee Nation. Additional  
proceedings were had in the matter of said application, at Fort  
Gibson, Indian Territory, on August 22, 1900, and at Muskogee,  
Indian Territory, on March 14, 1903, September 6, 1904, and October  
21, 1904.

THE EVIDENCE IN THIS CASE SHOWS: That Martha Hamilton,  
who is identified on the 1863 Cherokee census roll, is a Cherokee  
by blood, and has resided continuously in the Cherokee Nation from  
the date of her birth up to and including September 1, 1902.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That  
Martha Hamilton should be enrolled as a citizen by blood of the  
Cherokee Nation, in accordance with the provisions of Section twenty-  
one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495),  
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman  
  
\_\_\_\_\_  
Commissioner

Muskogee, Indian Territory,  
JUN 1905

  
\_\_\_\_\_  
Commissioner

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COMMISSIONERS

HENRY L. DAWES  
TAMM BIRBY  
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,.....**January 31,**

1902

**Mrs. Martha Hamilton,**  
**Sallisaw, Indian Territory.**

**Message:-**

You are hereby notified that the application of.....**yourself**

for enrollment as a 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 **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to Robert Tomney,  
Muskogee, I.T.  
Cherokee B-100  
Register.

Yours truly,

Acting Chairman.

In reply refer to  
G D 100

Muskogee, I. T., June 24, 1908.

Mr. Robert Teemer,  
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation, it appears that you are attorney of record. Therefore, you are requested to notify said Martha Hamilton to appear before the Commission at its office in Muskogee, Indian Territory, within 15 days from date hereof and introduce testimony which will establish her right to enrollment.

The evidence desired relates particularly to her identity by her former name Martha Simmons. It will be necessary for her to introduce witnesses to prove that she is the daughter of the parents whom she claims; also to prove that she is the sister of one Jim Simmons, thereby establishing her identity.

Yours truly,

Register

Commissioner in Charge.

Cherokee N, 1904

Muskogee, Indian Territory, July 25th 1904,

In the matter of the application of Martin Hamilton for the enrollment of himself as a citizen by blood of the Cherokee Nation,

[ Notice. ]

To Robert Toomer,

Muskogee, Indian Territory,

You are hereby notified to appear before the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, within fifteen days from date hereof, and introduce testimony relative to the right of Martin Hamilton for the enrollment of himself as a citizen by blood of the Cherokee Nation.

Commission to the Five Civilized Tribes,

By \_\_\_\_\_  
Commissioner in Charge.

Registrar.

COPY

Cherokee D-100

Muskogee, Indian Territory, February 24, 1903.

Robert Toomer,

Attorney for Martha Hamilton,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation, you are hereby advised that there is not considered to be sufficient testimony, upon which to prepare a decision.

You are hereby advised that the applicant has been notified to appear before the Commission at its offices in Muskogee, Indian Territory, on or before March 14, 1903, and produce such testimony as will assist the Commission in identifying her upon the rolls of the Cherokee Nation.

Respectfully,

Chairman.



COPY.

Cherokee D-100.

Muskogee, Indian Territory, February 24, 1903.

Martha Hamilton,  
Muskogee, Indian Territory.

DEAR MADAM:

In the matter of your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, you are hereby advised that there is not considered to be sufficient testimony upon which to prepare a decision.

You are, therefore, requested to appear before the Commission at its offices in Muskogee, Indian Territory, on or before March 14, 1903, and produce such evidence as will assist the Commission in identifying you upon the rolls of the Cherokee Nation.

Respectfully,

Chairman.

COPY.

Cherokee D-100.

Muskogee, Indian Territory, September 8, 1904.

Robert Toomer,

Attorney for Martha Hamilton,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings recently had in the matter of the application of Martha Hamilton for enrollment as a citizen by blood of the Cherokee Nation, Cherokee D-100.

Respectfully,

Encl. S-100.

(SIGNED)

*Tams Dixby.*  
Chairman.

COPY.

Cherokee D-100.

Muskogee, Indian Territory, September 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings recently had in the matter of the application of Martha Hamilton for enrollment as a citizen by blood of the Cherokee Nation, Cherokee D-100.

Respectfully,

(SIGNED) *Tams Bixby.*  
Chairman.

Encl. B-87.

COPY.

Cherokee D-100.

Muskogee, Indian Territory, February 13, 1905.

Robert L. Toomer,  
Attorney for Martha Hamilton,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental proceedings had at Muskogee, Indian Territory, on October 21, 1904, in the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Encl. L-25.

SIGNED:

*Tame Bixby*  
Chairman.

COPY.

Cherokee D-100.

Muskogee, Indian Territory, June 30, 1905.

V. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from 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 applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED).

*James Eixby.*

Chairman.

Incl. 3-29

Cherokee D 100

Muskogee, Indian Territory, July 18, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation, including the decision of the Commission to the Five Civilized Tribes, dated June 30, 1908, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission to the Five Civilized Tribes in this case, a copy of which protest is inclosed.

Respectfully,

*Tame Bibby.*

Commissioner

Through the

Commissioner of Indian Affairs.

Incl. D-11

Cherokee D-100.

Muskogee, Indian Territory, July 18, 1905.

Martha Hamilton,

Sallisaw, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for your enrollment as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, Robert Toomer, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are advised that the Cherokee Nation protests against the action of the Commission to the Five Civilized Tribes in this case, a copy of which protest has been furnished your attorney of record by the Nation.

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

Respectfully,

*James Bixby.*  
Commissioner.

Incl. B-9.

Cherokee D-100.

Muskogee, Indian Territory, July 18, 1905.

Robert Teomer,

Attorney for Martha Hamilton,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment as a citizen by blood of the Cherokee Nation of Martha Hamilton. You have heretofore been furnished with a copy of the record of proceedings.

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

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

Respectfully,

Incl. B-10.

*James Bixby*  
Commissioner



Cherokee D-100.

Muskogee, Indian Territory, July 18, 1905.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Receipt is acknowledged of your protest against the decision of the Commission to the Five Civilized Tribes granting the application for enrollment as a citizen by blood of the Cherokee Nation of Martha Hamilton.

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

Respectfully,

EMB.

*James Bixby*  
Commissioner.

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87053-1905

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON. August 1, 1905

The Honorable

The secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 18, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by Martha Hamilton,

June 30, 1905, the Commission decided favorably to the applicant.

The record shows that the applicant, who is identified on the 1883 Cherokee Census roll, is a Cherokee by blood, and has resided continuously in the Cherokee Nation from the date of her birth up to and including September 1, 1902.

The attached protest of the Cherokee Nation has been carefully considered.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended

Very respectfully

C. F. Larrabee

Acting Commissioner

M.M.M. (W)

rollment of the applicant.

Mr. Bixby says that the name of Martha Hamilton is identified on the 1883 Cherokee Pay Roll, instead of the 1883 Census Roll; that her name appears thereon without a number and in a different handwriting from that of the majority of the names on the roll, following the name of Susie Hogshooter, No. 1014, and preceding that of Arch Horn, No. 1076, Tahlequah District; that the roll is arranged neither alphabetically nor numerically; that it is shown \$15.50 was paid to Martha Hamilton; and that the signature of the person to whom the payment was made, "Martha Hamilton", is in the same handwriting as that of John Hogshooter, to whom the money for the family in which Susie Hogshooter, No. 1014 appears, was paid, and Arch Horn, to whom the money for the family in which the name of Arch Horn, No. 1076, appears, was paid, and the signature of Wm. V. Carey, who appears to have witnessed these payments, is likewise in the same handwriting.

He also says there are several other names on the 1883 roll in the same handwriting as that of Martha Hamilton; and that opposite the names of several of the persons mentioned appear the words "added" and "added after census;" and that the certificate of D. W. Bushyhead, Principal Chief of the Cherokee Nation, dated September 24, 1883, as to the authenticity of the roll, is in the same handwriting as the unnumbered names referred to and shows that said roll is a "true copy of the census roll as taken in conformity to the law passed on the 19th day of May, 1883, and as examined and corrected by this Department."

Very respectfully,

C. F. LARRABEE  
Acting Commissioner

GAW-GH

D. C. 41404-1905.  
I.T.D. 9744-1905.  
LR8

Y.P.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

August 25, 1905.

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

Sir:

August 1, 1905, the Indian Office submitted the Cherokee enrollment case of Martha Hamilton and recommended that the decision of the Commission to the Five Civilized Tribes in favor of the applicant be affirmed.

You submitted the case with letter of July 18, 1905, calling attention to the protest of the nation against the Commission's decision. While it is stated in said decision that Martha Hamilton is identified on the 1883 Cherokee Census Roll, the attorney for the nation asserts that this is not correct, and urges the Department "to make an investigation of this record to see if it discloses that the name of Martha Hamilton appears on any roll. We contend that under the act of May 31, 1900, the Commission is without authority to receive, consider, or make any record of her case."

The Department finds but little in the record except the of the Commission statement to show that the party's name is upon the 1883 roll. In view of the direct contradiction to the most material statement in the decision of the Commission, you should have made some

explanation to the Department relative to the alleged enrollment of the applicant.

It is requested that you furnish the Department a statement showing in what manner she is identified on the 1883 roll, if the statement contained in the Commission's decision is correct.

Respectfully,

Through the Commissioner  
of Indian Affairs.

(Signed) Don Ryan  
Acting Secretary.

Muskogee, Indian Territory, September 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of August 25, 1905 (I.T.D. 9744-1905), in reference to the Cherokee enrollment case of Martha Hamilton. The record of proceedings had in said case, including the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, was transmitted to the Department with this office's letter of July 18, 1905, and on August 1, 1905, the same was submitted to the Department by the Indian Office. The Department calls attention to the statement in the decision of the Commission to the effect that the name of Martha Hamilton is identified on the 1883 Cherokee Census Roll, and to the assertion of the Attorney for the nation in his protest that she is not identified on said roll. The Department also calls attention to the fact that but little is found in the record, except the statement of the Commission, to show that the applicant's name is on the 1883 roll, and states that in view of the direct contradiction of the most material statement in the decision of the Commission, the Commission should have made some explanation to the Department relative to the alleged enrollment of the applicant. The Department requests a statement show-

Secretary---2.

ing in what manner she is identified on the 1883 roll.

In reply I have the honor to state that through inadvertence, there was not prepared and made a part of the record in this case a statement showing the enrollment on the 1883 Cherokee roll of Martha Hamilton /

The name of Martha Hamilton is identified on the 1883 Cherokee pay roll instead of the 1883 Census Roll. Her name appears thereon without a number and in a different handwriting to that of the majority of the names on that roll, following the name of Susie Hogshooter, No. 1014, and preceding that of Arch Horn, No. 1076, Flint District. This roll is arranged neither alphabetically nor numerically. The amount shown to have been paid to Martha Hamilton is \$15.50, and the signature of the person to whom paid, "Martha Hamilton," is in the same handwriting as that of John Hogshooter, to whom the money for the family in which Susie Hogshooter, No. 1014, appears, was paid, and Arch Horn, to whom the money for the family in which the name of Arch Horn, No. 1076, appears, was paid, and the signature of Wm. V. Carey, who appears to have witnessed these payments is likewise in the same handwriting.

There are several other names on the 1883 roll referred to in the same handwriting as that of Martha Hamilton. Opposite the names of several of these appear the words "added" and "added after census," and it is presumed that they were added possi-

Secretary--3.

bly by a revising committee after the census was taken, for the purpose of preparing the pay roll.

Respectfully,

GHL

Acting Commissioner.

Through the  
Commissioner of Indian Affairs.



Muskogee, Indian Territory, September <sup>30</sup>~~7~~, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of August 23, 1905 (I.T.D. 9744-1905), in reference to the Cherokee enrollment case of Martha Hamilton. The record of proceedings had in said case, including the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, was transmitted to the Department with this office's letter of July 18, 1905, and on August 1, 1905, the same was submitted to the Department by the Indian Office. The Department calls attention to the statement in the decision of the Commission to the effect that the name of Martha Hamilton is identified on the 1883 Cherokee Census Roll, and to the assertion of the Attorney for the nation in his protest that she is not identified on said roll. The Department also calls attention to the fact that but little is found in the record, except the statement of the Commission, to show that the applicant's name is on the 1883 roll, and states that in view of the direct contradiction of the most material statement in the decision of the Commission, the Commission should have made some explanation to the Department relative to the alleged enroll-

Secretary--2.

ment of the applicant. The Department requests a statement showing in what manner she is identified on the 1883 roll.

In reply I have the honor to state that through inadvertence, there was not prepared and made a part of the record in this case a statement showing the enrollment on the 1883 Cherokee roll of Martha Hamilton.

The name of Martha Hamilton is identified on the 1883 Cherokee pay roll instead of the 1883 Census Roll. Her name appears thereon without a number and in a different handwriting from that of the majority of the names on that roll, following the name of Susie Hogshooter, No. 1014, and preceding that of Arch Horn, No. 1076, Tahlequah District. This roll is arranged neither alphabetically nor numerically. The amount shown to have been paid to Martha Hamilton is \$15.50, and the signature of the person to whom paid, "Martha Hamilton," is in the same handwriting as that of John Hogshooter, to whom the money for the family in which Susie Hogshooter, No. 1014, appears, was paid, and Arch Horn, to whom the money for the family in which the name of Arch Horn, No. 1076, appears, was paid, and the signature of W. V. Carey, who appears to have witnessed these payments is likewise in the same handwriting.

There are several other names on the 1883 roll referred to in the same handwriting as that of Martha Hamilton. Opposite the

Secretary--3.

names of several of these appear the words "added" and "added after census," and the certificate of D. W. Bushyhead, Principal Chief of the Cherokee Nation, dated September 24, 1863, as to the authenticity of this roll, which certificate is in the same handwriting as the unnumbered names referred to, shows that said roll is "a true copy of the census as taken in conformity to the law passed on the 19th day of May, 1863, and as examined and corrected by this Department."

Respectfully,

(Sig)

James Bizby

Commissioner.

GHL

Through the  
Commissioner of Indian Affairs.

Land  
79377-1905

( C O P Y )

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

October 30, 1905.

The Honorable,

The Secretary of the Interior

Sir:

Referring to Department letter of August 25, 1905, I. T.D. 9744, with reference to the Cherokee enrollment case of Martha Hamilton, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated September 30, 1905, concerning said case. The record in this case was forwarded to the Department with office report of August 1, 1905.

The Department, by letter referred to, called the attention of the Commissioner to the Five Civilized Tribes to the statement in the decision of the Commission, to the effect that Martha Hamilton is identified on the 1883 Cherokee Census Roll, and to the assertion of the attorney for the nation in his protest, that she is not identified on said roll.

The department also called attention to the fact that but little is found in the record except the statement of the Commission, to show that the applicant's name is on the 1883 roll, and stated that in view of the direct contradiction of the most material statement in the decision of the Commission, some explanation should be made to the Department relative to the alleged en-

rollment of the applicant.

Mr. Bixby says that the name of Martha Hamilton is identified on the 1883 Cherokee Pay Roll, instead of the 1883 Census Roll; that her name appears thereon without a number and in a different handwriting from that of the majority of the names on the roll, following the name of Susie Hogshooter, No. 1014, and preceding that of Arch Horn, No. 1076, Tahlequah District; that the roll is arranged neither alphabetically nor numerically; that it is shown \$16.50 was paid to Martha Hamilton; and that the signature of the person to whom the payment was made, "Martha Hamilton", is in the same handwriting as that of John Hogshooter, to whom the money for the family in which Susie Hogshooter, No. 1014 appears, was paid, and Arch Horn, to whom the money for the family in which the name of Arch Horn, No. 1076, appears, was paid, and the signature of Wm. V. Carey, who appears to have witnessed these payments, is likewise in the same handwriting.

He also says there are several other names on the 1883 roll in the same handwriting as that of Martha Hamilton; and that opposite the names of several of the persons mentioned appear the words "added" and "added after census;" and that the certificate of D. W. Bushyhead, Principal Chief of the Cherokee Nation, dated September 24, 1883, as to the thenticity of the roll, is in the same handwriting as the unnumbered names referred to and shows that said roll is a "true copy of the census roll as taken in conformity to the law passed on the 19th day of May, 1883, and as examined and corrected by this Department."

Very respectfully,

C. F. LAURANCE  
Acting Commissioner

GAW-GH

( C O P Y )

D.C. 50918-1905

I.T.D. 14352-1905

L R 8

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

Y.P.  
LLB

November 6, 1905

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

Sir:

The Department is in receipt of your letter of September 3, 1905, relative to the Cherokee enrollment case of Martha Hamilton.

On June 30, 1905, the Commission to the five Civilized Tribes rendered its decision in this case in favor of the applicant. It was stated therein that her name appears upon the 1883 Cherokee Census Roll. The nation protested against the Commission's decision, alleging that this was not true, and claimed for that and other reasons that the applicant is not entitled to enrollment.

You now report that the name of Martha Hamilton is identified upon the 1883 Cherokee Pay roll instead of the 1883 Census Roll and explain the manner in which it appears thereon.

The explanation is satisfactory, and the Department finding no reason to disturb the decision of the Commission it is hereby affirmed.

A copy of the Indian Office letter of October 30, 1905, submitting your report, is inclosed.

1 inclosure.

Respectfully

(Signed) THOS RYAN

First Assistant Secretary

Cherokee D-100.

Muskogee, Indian Territory, November 14, 1905.

Martha Hamilton,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 6, 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,

LS

Commissioner.

Cherokee D-100

Muskogee, Indian Territory, November 14, 1905.

Robert Toomer,

Attorney for Martha Hamilton,

Muskogee, Indian Territory.

Dear Sir: :

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 6, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-144

Commissioner.



Cherokee D-100.

Muskogee, Indian Territory, November 14, 1905.

V. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

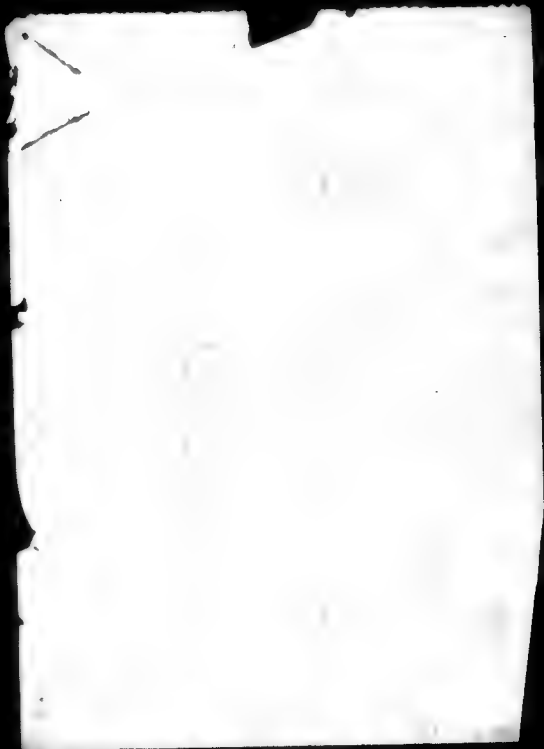
You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Martha Hamilton as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 6, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-145

Commissioner.



Cher 10960

Fannie L. Rogers

Trans. from R 394

Cher 10960

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wash., D. C. November, 15th 1900.

In the matter of the application of Stonewall J. Rogers for the enrollment of himself, ~~his~~ children, as Cherokee citizens. He said that he was Commissioner T. B. Woodles, testified as follows:

- Q What is your name? A. Stonewall J. Rogers.  
Q What is your age? A. 38.  
Q What is your post office address? A. Chelsea.  
Q Do you live in Chelsea? A. Chelsea, Missouri.  
Q Are you a citizen of the United States? A. I go so far as this certificate is concerned.  
Q What do you want to have enrolled? A. Myself and 3 children.  
Q What are the names of your children? A. Fannie L., age 7 years.  
Q What is the name of your son? A. Robert K., age 5 years.  
Q What is the name of your daughter? A. Mary L., age 11 months.  
Q Are you a citizen of the State of Tennessee? A. Yes sir.  
Q Where were you married? A. Annis W.  
Q When were you married? A. 21st of July, 1892.  
Q Where were you married? A. Yes sir.  
Q What is your name? A. St.

I have in my possession a certificate of marriage issued from the authorities of the State of Tennessee, in County of Bradley, certifying that I was married to Miss Annie M. Kelley on the 21st of July, 1892.

A. I have in my possession a certified copy of a certificate of admission to Cherokee citizenship, dated at Tahlequah on the 14th of October, 1897, signed by G. W. Line Acting Chairman of the Commission of Citizenship, approved and enforced by D. W. Bushyhead, Principal of the Nation. Others on the same roll as Stonewall J. Rogers was admitted to Cherokee citizenship on the 25th of March 1897.

- Q Are you the identical Stonewall J. Rogers named in this certificate? A. Yes sir.  
Q When did you remove to the Cherokee Nation? A. In January 1896.  
Q Did you apply to the Dawes Commission in 1896? A. Yes sir.  
Q Were you accepted or rejected? A. Rejected.  
Q Your name does not appear on the census roll of 1896? A. Not that I know of.  
Q Did you ever strip money in 1894? A. No sir.

The applicant presents certificate of admission to Cherokee citizenship, more particularly described in the testimony, admitting him to Cherokee citizenship on the 14th of October, 1897, and he presents certificate of marriage certifying that he was married in the State of Tennessee according to the laws of the State of Tennessee to the Annie M. Kelley a non-citizen, in 1892. He avers that he removed with his family to the Cherokee Nation in 1896, but under the laws of the Cherokee Nation an Act of the National Council approved December, 4th 1894 provides, "That all persons who have been or may hereafter be admitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act or that the act of of re-admission, or not rights whatever shall accrue to such person by reason of such re-admission."

It appears from the testimony that this applicant did not remove to the Cherokee Nation within the limits prescribed by the act cited, and it also further appears that the said Stonewall J. Rogers applied for citizenship before the Dawes Commission on September 8th 1896 Case #430, Docket "B" and his application was denied and no appeal was taken by the applicant, and under the decisions of the United States Courts, said judgment is final. Consequently the application for the enrollment of the said Stonewall J. Rogers and his three children will be rejected.

Stonewall J. Rogers, 2

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

*Chas von Weise*

Subscribed and sworn to before me this the 19th of November, 1900.

*M. Stein*  
Notary Commissioner.  
OFFICE PUBLIC

B

# CHEROKEES BY BLOOD AND ADOPTION.

*(36)*  
Name *Monell J. Rogers*

Date

NOV 17 1900

1900.

*Chelsea I.*

District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen \_\_\_\_\_

Married under what law \_\_\_\_\_

Date of marriage \_\_\_\_\_

License \_\_\_\_\_

Certificate \_\_\_\_\_

*2* Wife's name ~~*Jessie H. Rogers*~~ *Jessie H. Rogers*

District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen \_\_\_\_\_

Married under what law \_\_\_\_\_

Date of marriage \_\_\_\_\_

License \_\_\_\_\_

Certificate \_\_\_\_\_

Name of Children:

- 3* *Jessie F. Rogers*
- 4* *Robert K. "*
- 5* *Mary S. "*

Dist.	Year	Page	No.	Age
_____	_____	_____	_____	<i>7</i>
_____	_____	_____	_____	<i>6</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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*Revised by the Names Commission 1906*  
*Pr. 5430*

4 R394.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
NOV 11 1901

*[Handwritten signature]*

Acting Chairman

*[Faint handwritten notes and markings]*



Supl.C.-R.#394.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
TAHLEQUAH, I.T., NOVEMBER 7th, 1901.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of  
Stonewall J. Rogers as a Cherokee citizen;

APPEARANCES:

Mr. Joe R. Sequichie, Agent for Applicant;  
Mr. W. W. Hastings, Cherokee Representative.

Com'r Needles: Comes Joe Sequichie, Agent for Applicant, and ask to have filed certificate of birth as to Fannie L., Robert K. and Mary L. Rogers, children of applicant. said certificates are ordered filed.

Also certified copy of a certificate of Admission referred to in the original application, said certified copy being signed by William Youngblood, Auditor for the Interior Department. These will be made part of the record in the original case.

Mr. Hastings: The representatives of the Cherokee Nation desire to call especial attention to the fact that this applicant is rejected by the Commission in 1896.

---ooo000ooo---

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

*J. O. Robson*

Subscribed and sworn to before me this November 9th, 1901.

*[Signature]*

Commissioner.

My

R 2914.

Nov 15 1901

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.

Tableau 27 Nov 15 1901

Received of the Commission to the Five Civilized Tribes one  
copy of the testimony in the matter of the application of  
W. H. Rogers et al for enrollment as  
citizens of the Cherokee Nation.

No. 11311

M. J. Smith  
Agent for applicant

SECRET

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

NOV 29 1902

ACTING CHAIRMAN

SECRET

State of Tennessee |  
County of Bradley |

I, J. I. Harrison, County Court Clerk in and for said State and County, do hereby certify that I am custodian of the marriage Records of said County, and that Marriage Rites were solemnized between S. J. Rogers and Annie M. Kelley, on the 21st day of July, A. D., 1892, by Frank Jackson, M. G., as appears of record in my office in Marriage Record No. 3, page 289.

Witness my official signature and seal, at office in Cleveland, on this the 29th day of October, 1900.

(SEAL)

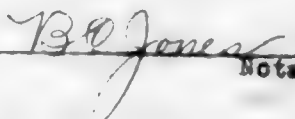
J. I. Harrison,  
County Court Clerk.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T.,-----

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

  
-----  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 29th day of November, 1902.

  
-----  
Notary Public.

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

In the matter of the application of Stonewall J. Rogers, for the enrollment of himself and children as citizens of the Cherokee Nation.

D E C I S I O N.

It appears from the record in this case that on the 17th day of November, 1900, Stonewall J. Rogers appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his minor children, Fannie L., Robert K., Mary L., as citizens by blood of the Cherokee Nation.

The evidence shows that the said Stonewall J. Rogers on the 8th day of September, 1896, made application to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, and that said application was denied, and that no appeal was taken from such decision.

The Act of Congress approved June 10, 1896, provides:

"That said commission is further directed to proceed at once to hear and determine the application of all persons whomay apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled; x x x"

"Provided, that if the tribe or any person, be aggrieved with the decision of the tribal authorities or with the Commission provided for in this act, it or he may appeal from such decision to the United States Court; provided, however, that the appeal shall be taken within sixty days, and the judgment of the Court shall be final."

It appearing that no appeal having been taken from the decision of the Commission to the Five Civilized Tribes within the time limited, such decision became final and is now binding upon this Commission, and the Commission has no power at this time to admit any person to citizenship in any of said nations.

It appears that the applicant was admitted to citizenship in the Cherokee Nation by a Commission on Citizenship on the 14th day of October, 1897. It appears, however, that he did not remove

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

In the matter of the application of Stonewall J. Rogers, for the enrollment of himself and children as citizens of the Cherokee Nation.

D E C I S I O N.

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The evidence shows that the said Stonewall J. Rogers on the 8th day of September, 1896, made application to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, and that said application was denied, and that no appeal was taken from such decision.

The Act of Congress approved June 10, 1896, provides:

"That said commission is further directed to proceed at once to hear and determine the application of all persons whomay apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled; x x x"

"Provided, that if the tribe or any person, be aggrieved with the decision of the tribal authorities or with the Commission provided for in this act, it or he may appeal from such decision to the United States Court; provided, however, that the appeal shall be taken within sixty days, and the judgment of the Court shall be final."

It appearing that no appeal having been taken from the decision of the Commission to the Five Civilized Tribes within the time limited, such decision became final and is now binding upon this Commission, and the Commission has no power at this time to admit any person to citizenship in any of said nations.

It appears that the applicant was admitted to citizenship in the Cherokee Nation by a Commission on Citizenship on the 14th day of October, 1887. It appears, however, that he did not remove

to the Cherokee Nation until January, 1896, and that fact must have been considered in the adjudication of his case by this Commission in 1896; but whether such may have been the case or not, the decision of the Commission to the Five Civilized Tribes denying his application for citizenship in the Cherokee Nation in 1896 precludes any inquiry at this time into his status prior thereto.

The above named children for whom application is made are the result of a marriage between the applicant Stonewall J. Rogers and his wife Annie M. Rogers, a white woman, to whom he was married on the 21st day of July, 1892. It thus appears that his wife was married to him five years after he was admitted to citizenship. An Act of the Cherokee National Council passed on the 4th day of December, 1894, provided; "that all persons who have been or may hereafter be re-admitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this Act, or from the date of re-admission to persons hereafter re-admitted, or no rights whatever shall accrue to such persons by reason of such re-admission, provided that nothing in this act shall bar minors and orphans."

In view of the fact that applicant never came in the Cherokee Nation until 1896, long after the time prescribed in the above act had expired it is apparent that his wife never derived by virtue of such marriage any rights which her husband did not acquire and it does not appear that any application has been made for her enrollment as a citizen of the Cherokee Nation.

These children could of course acquire no rights not possessed by either of their parents.

It is therefore the opinion of this Commission that the application of Stonewall J. Rogers for the enrollment of himself and his minor children Fannie L., Robert K., and Mary L. Rogers



Cher R 394

COPY.  
217

IN RE  
Application for Enrollment of  
INFANT CHILD

Emmie Rogers

as a citizen of

Cherokee

Nation.

Approved

190

Commissioner

**FILED**  
APR 27 1905  
**COMMISSION TO FIVE TRIBES.**

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Fannie L. Rogers, born on the 1st. day of September, 1893  
(Here insert name of child)  
Name of Father: Stonewall J. Rogers a citizen of the United States  
Name of Mother: Annie K. Rogers a citizen of the United States  
Postoffice Chelsea, Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Annie J. Rogers, on oath state that I am 34  
years of age and a citizen by adoption of the Cherokee Nation,  
that I am the lawful wife of Stonewall J. Rogers, who is a citizen, by  
blood of the Cherokee Nation; that a female child was  
born to me on 1st. day of September, 1893; that said child has been named  
Fannie L. Rogers, and was living March 4, 1905. I swear that the doctor  
and midwife who attended me at the birth of said child are both dead.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 26th day of April A.D. 1906.

My commission expires November 1 1908.

*John P. Ezzard*  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1905, that there was born to her on said date a  
child, that said child was living March 4, 1905, and is said to have been named \_\_\_\_\_  
(Male or Female)

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1906.

Notary Public.

017. R 3.94  
COPY.

217

IN RE  
Application for Enrollment of  
INFANT CHILD

*Robert A. Rogers*

as a citizen of

*Cherokee*

Nation.

Approved *[Signature]*

190

*[Signature]*  
Commissioner

**FILED**  
APR 27 1905  
COMMISSION TO FIVE TRIBES.

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Robert K. Rogers, born on the 26th. day of January, 1895  
(Here insert name of child)  
Name of Father. Stonewall J. Rogers a citizen of the United States Nation.  
Name of Mother Annie K. Rogers a citizen of the United States Nation.  
Postoffice Chelsea, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Northern DISTRICT. }

I, Annie K. Rogers, on oath state that I am 34  
years of age and a citizen by adoption of the Cherokee Nation;  
that I am the lawful wife of Stonewall J. Rogers, who is a citizen, by  
blood of the Cherokee Nation, that a male child was  
(Male or Female)  
born to me on 26th. day of January, 1895, that said child has been named

Robert K. Rogers, and was living March 4, 1905; & I swear that the  
doctor and midwife who attended me at the birth of the said children are  
both dead.

WITNESSES TO MARK:  
My commission expires Nov. 1, 1908.

(Must be Two)  
Witnesses }

Subscribed and sworn to before me this 26th day of April A.D. 1905.

My commission expires November 1st 1908.

*John P. Ezzard*  
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT }

I, \_\_\_\_\_, on oath state that I  
attended on Mrs \_\_\_\_\_, wife of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1905, that there was born to her on said date a  
(Male or Female)  
child, that said child was living March 4, 1905, and is said to have been named \_\_\_\_\_

WITNESSES TO MARK

(Must be Two)  
Witnesses }

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1905.

Notary Public.

DEPARTMENT OF THE INTERIOR, Cherokee R 394  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*A. J. M.  
J. S.*

In the matter of the application for the enrollment of Stonewall J. Rogers et al., as citizens by blood of the Cherokee Nation.

--:--

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on November 17, 1900, Stonewall J. Rogers, appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of himself and minor children, Fannie L., Robert K., and Mary L. Rogers, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had on November 7, 1901, at Tahlequah, Indian Territory. On August 21, 1902, there was filed with the Department an affidavit showing the birth on January 31, 1902, of Henry C. Rogers, son of the applicant, Stonewall J. Rogers, and his right to enrollment as a Cherokee citizen will now be considered in this decision. The record further shows that on May 20, 1902, the Commission rendered its decision herein denying said first four named applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that on November 6, 1902 ( Departmental letter I.T.D. 5045, 6790-02), said decision was affirmed by the Department; and that, thereafter, there was filed with the Department, by applicants, a motion for review of said decision, same being referred to the Assistant Attorney-General for an opinion thereon, and on March 31, 1906 ( Departmental letter I.T.D. 6790-02, 5092-05), the record in this case was returned by the Department for further testimony, and readjudication in accordance with the Assistant Attorney-General's opinion, rendered on March 25, 1906, (I.T.D. 6340-04). Further

testimon in the matter of said application was taken on April 27, 1905, at Muskogee, Indian Territory.

Its decision rendered by the Commission on May 20, 1902, is hereby rescinded.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as citizens by blood of the Cherokee Nation.

The following points are established by the evidence, no attempt having been made to disprove them.

(1) That all the applicants herein are Cherokees by blood;

(2) That on October 14, 1867, the principal applicant, Stonewall J. Rogers, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof; that at the time of said admission said applicant was aged twenty-one years; and that in January, 1896, he first removed to and located in the Cherokee Nation;

(3) That the minor applicants herein are children of the said principal applicant and one Annie M. Rogers, a non-citizen of the Cherokee Nation, and were born, (Fannie L.) September 1, 1893, (Robert E.), January 26, 1895, (Mary E.) December 14, 1899, and (Henry C.), January 31, 1902, respectively.

FINDINGS OF FACTS AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the principal applicant, Stonewall J. Rogers, forfeited his Cherokee citizenship, under the Act of the Cherokee Council of December 4, 1894, which provides:

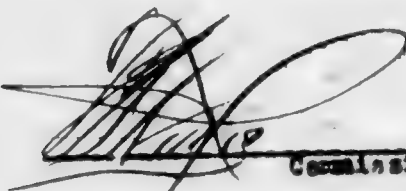
"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation, within six months from the passage of this act, or from the date of the readmission of persons hereafter readmitted,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


That the minor applicants, Fannie L. and Robert E. Rogers, were born during their father's allegiance to the Cherokee Nation, and the minor applicants, Mary E. and Henry C. Rogers, were born subsequent to the forfeiture of their father's Cherokee citizenship; and that, following the Department's ruling in this case, Departmental letter of March 31, 1905, (I.T.D. 6790-02, 3092-05), said minors' rights to Cherokee citizenship are to be adjudicated as below indicated.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the application for the enrollment of Stonewall J. Rogers, Mary L. Rogers and Henry C. Rogers, as citizens by blood of the Cherokee Nation, should be denied, under the provisions of the Act of Congress below noted; and that Fannie L. Rogers and Robert K. Rogers, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 20, 1896 ( 30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner

  
Commissioner

Dated at Muskogee, Indian Territory,  
this            JUN 24 1895

6

10/1/19



Chelsea,

Indian Territory,

November 17th, 1900. 190 .

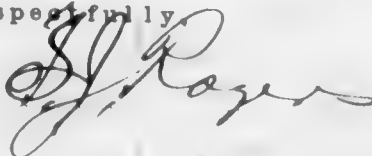
The Commission,

To the Five Civilized Tribes:

GENTLEMEN:

You are hereby advised that I desire that the application this day made by me for the enrollment of myself and those represented by me in said application, which was denied by the Commission, be submitted to the Honorable Secretary of the Interior for his consideration when the final roll of citizens of the Cherokee Nation is transmitted to him for approval.

Respectfully



No. R394.

Stonewall J. Rogers et al

vs

CHEROKEE NATION

INDEXED.

NOV 21 1901

COMMISSION TO FILE TRILES.		ANSWERED.	
No.	FILE	Book	Page
16394			
1901	NOV 21 1901		

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 ... 1901.

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

**FILED**  
 NOV 23 1901

*Signature*  
 ACTING CHAIRMAN

D. G. ELLIOTT,  
Attorney at Law.  
NOTARY PUBLIC.

Collectors of all kinds a Specialty.

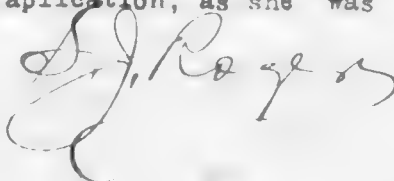
Chelsea, Ind. Ter.

Nov 13th, 1901.

Gentlemen:-

In regard the difference as to the age of my Wife  
in the Two different affidavits , will say that as you will see  
that there is about one year difference from the time the first  
one was made to the time the last one was made, and she coul' not  
state that she was one age when she signed the first one and  
at this time she is one year older,  
and will say as to here name the right name is ~~M~~ Anna K. Rogers,  
in stid of Anna M. Rogers, as is shown in application, as she was  
borned June the 30th, 1870.

Yours truly.



Oher. R-394.

COPY.

Muskogee, Indian Territory, May 20, 1902.

Stonewall J. Rogers,

Cherokee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and children, Fannie L., Robert K. and Mary L. Rogers, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

(SIGNED) *Tamc Dixby.*

Acting Chairman.

Enc. R-394.  
Registered.

COPY.

Cher. R-394.

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of Stenwall S. Rogers for the enrollment of himself and children, Fannie L., Robert .. and Mary L. Rogers, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

SIGNED, *Tamc Dixby.*  
Acting Chairman.

Enc. R-7.

COPY.

Muskogee, Indian Territory, May 20, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Stonewall J. Rogers for the enrollment of himself and his minor children, Fannie L., Robert K. and Mary L. Rogers, as citizens of the Cherokee Nation, including the decision of the Commission dated May 20, 1908, refusing the application for the enrollment of Stonewall J. Rogers et al. as citizens of the Cherokee Nation.

Very respectfully,

W. G. NED. *Tams Dixby.*  
Acting Chairman.

Enc. R-594.

Through the Commissioner  
of Indian Affairs.

R304.

COPY.

DEPARTMENT OF THE INTERIOR.

Land  
31143-1902.

Office of Indian Affairs.

Washington, August 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Stonewall J. Rogers for the enrollment of himself and his minor children, Fannie L., Robert K. and Mary L., as citizens by blood of the Cherokee Nation.

The record shows that the principal applicant was admitted to citizenship in the Cherokee Nation March 25, 1887; that he did not come to the Cherokee Nation until 1896. The evidence is not satisfactory in that it does not show that he has been since 1896 a continuous resident in good faith, in the Cherokee Nation.

The Act of the Cherokee National Council of December 4, 1894, provided that

"All persons who have been or may hereafter be re-admitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act."

Applicant was admitted prior to the passage of this act, and did not within six months thereafter locate in the Cherokee Nation.

The office believes that the Commission's action in refusing to place the name of the applicant on the Cherokee rolls, together with those of his children, was correct, and respectfully recommends

that its decision be affirmed. very respectfully,

WCV  
D

Your obedient servant,

A.C. Tenner, Commissioner/

3 inclosures.

(COPY)

D.C.No. 15096

54443

J.P.

DEPARTMENT OF THE INTERIOR.

I.T.D.5193-1902.  
5045- "

WASHINGTON.

WHR.

September 10, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 20, 1902, you submitted the case involving the application of Stonewall J. Rogers, R. 394, for the enrollment of himself and three minor children, Fannie L., Robert K., and Mary L. Rogers, as citizens of the Cherokee Nation by blood.

It appears that Rogers was readmitted to citizenship in said Nation, by tribal authority, in 1887, but that he did not remove to the Nation until 1896. Apparently his name is not on any of the authenticated rolls of the Nation.

It also appears that Stonewall J. Rogers was refused citizenship by your Commission, acting under the Act of June 10, 1896, and that your decision became final as no appeal was taken to the United States Court, as provided in said Act.

Referring to the Act of the Cherokee Nation of December 4, 1894, which provides -

that all persons who have been or may hereafter be re-admitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this Act, or from the date of re-admission to persons hereafter re-admitted, or no rights whatever shall ac-



crue to such persons by reason of such re-admission, provided that nothing in this Act shall bar minors and orphans;-

and in view of the rejection under the Act of 1896, you rejected the application May 20, 1902, holding that the children could acquire no rights not possessed by the parent.

August 16, 1902, the Acting Commissioner of Indian Affairs, without any reference to the action of your Commission in 1896, recommended, in view of the Act of the Cherokee Nation of 1894, that the application should be rejected. A copy of his communication is inclosed.

While it is clear that your decision is correct as to the principal applicant for the reasons given by you, the Department is in doubt as to the effect of the law of the Nation of 1894 upon the child or children born prior to the expiration of the six months mentioned in that law. Neither you nor the Acting Commissioner make any reference to the proviso to such law "That nothing in this Act shall bar minors and orphans."

The case is remanded in order that the Department may have your opinion in the matter upon this point.

The three children were one, five and seven years of age, respectively, at the time of the examination of the principal applicant. The date of the birth of Robert K. Rogers should be ascertained. If any of the children were included in the application rejected in 1896, it does not appear. If not, their rights, if any, were not affected thereby.

You will allow the Nation and the principal applicant to

-3-

be heard in the matter.

The papers constituting the main part of the record are returned herewith.

Respectfully,

Thos Ryan,  
Acting Secretary.  
RMD.

2 Inclosures.

One Enc. received.  
Holly.

*X*

Muskogee, Indian Territory, October 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission has the honor to acknowledge receipt of Departmental letter under date of September 10, 1902 (I. T. D. 5045-1902, 5193-1902) remanding the case involving the application of Stonewall J. Rogers, R 394, for the enrollment of himself and his three minor children, Fannie L. Rogers, Robert K. Rogers and Mary L. Rogers, as citizens by blood of the Cherokee Nation.

The Department in its letter refers to the Act of the Cherokee National Council, approved December 4, 1894, which provides:

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

and states:

"In view of the rejection under the Act of 1896, you rejected the application May 20, 1902, holding that the children could acquire no rights not possessed by the parent.

While it is clear that your decision is correct

as to the principal applicant for the reason given by you, the Department is in doubt as to the effect of the law of the Nation, of 1894, upon the child or children born prior to the expiration of the six months mentioned in that law.....

The case is remanded in order that the Department may have your opinion in the matter upon this point."

It appears from the record in this case that Rogers was readmitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, under date of October 4, 1887. It also appears that under the provisions of the Act of Congress, approved June 10, 1896, Stonewall J. Rogers, et al., made application to the Commission for admission to citizenship in the Cherokee Nation; that their application was denied, and no appeal appears to have been taken from the decision of the Commission. An examination of the original papers in this case shows that the names of Stonewall J. Rogers and his two children, Fannie L. and Robert K. Rogers, are embraced in said application.

The record now before the Department shows that Mary L. Rogers was born subsequent to the rejection of the father and two older children, under the Act of June 10, 1896, and that the claim of the children is through their father and not through their mother.

In view of the additional facts now set forth, the Commission does not suppose that the Department cares to further consider the Cherokee law of 1894 in connection with this case, and it respectfully recommends that the decision of the Commission,

denying the enrollment of Stonewall J. Rogers, et al., be approved.

The papers in the case are herewith returned.

Respectfully,

signed/ Wm. B. B. Bishop  
Acting Chairman

signed/ H. B. Steed  
Commissioner.

signed/ H. R. Beckwith  
Commissioner.

Through the

Commissioner of Indian Affairs.

1 Enclosure.

COPY.

DEPARTMENT OF THE INTERIOR.

Land  
60767-1902.

Office of Indian Affairs.

Washington, Nov. 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made October 8, 1902, by the Commission to the Five Civilized Tribes, acknowledging receipt of Department letter of September 10, 1902, (ITD-5045 and 5193), which remanded the case involving the application of Stonewall J. Rogers, for the enrollment of himself and his three minor children, Fannie L., Robert K. and Mary L., as citizens by blood of the Cherokee Nation.

The case was remanded in order that the Department might have the opinion of the Commission upon the question as to whether the children should be enrolled, it appearing that Stonewall J. Rogers was admitted to citizenship October 4, 1887, and the Cherokee Act of December 4, 1894, provides:

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

It appears from the record that the oldest child, Fannie L. Rogers, was born in 1883; that the next oldest, Robert K. Rogers, was born in 1885, prior to the date of the readmission of Stonewall J. Rogers.

In the opinion of the Commission the fact that the application for the enrollment of Stonewall J. Rogers, Fannie L. Rogers and Robert K. Rogers was made to the Commission in 1896; that the application was rejected; and that no appeal was taken, bars the Commission from at this time placing their names on the rolls. The Commission seems to be of opinion also that as the other child, Mary L. Rogers, was born subsequent to the date of the Act re-admitting the father, the provision excepting minors, in the Act of December 4, 1894, does not apply to that child.

The office believes that as the application of Stonewall J. Rogers, Fannie L. Rogers, and Robert K. Rogers was once rejected and no appeal taken, the Commission has now no jurisdiction to entertain their application, and as the other child must take its status from the father, who cannot be enrolled, it must necessarily also be rejected.

It therefore respectfully recommends that the Commission's decision be affirmed.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

WCV  
D

3 inclosures.

Copy

Cherokee R 394.

Muskogee, Indian Territory, November 26, 1902.

Stonewall J. Rogers,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting your application for the enrollment of yourself and your three minor children, Fannie L., Robert K. and Mary L. Rogers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 6, 1902.

Respectfully,

*W. A. Gilroy*  
Acting Chairman.



Copy

Cherokee R 394.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting the application of Stonewall J. Rogers for the enrollment of himself and his three minor children, Fannie L., Robert K. and Mary L. Rogers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 6, 1902.

Respectfully,

*W. G. Berry*

Acting Chairman.

Cherokee R-394

Muskogee, Indian Territory, December 11, 1902.

Stonewall J. Rogers,  
Chelsea, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application certificate showing the marriage, on July 21, 1892, between S. J. Rogers and Annie M. Kelly; also certificate showing the readmission to citizenship in the Cherokee Nation, among others, of Stonewall J. Rogers.

The same are herewith returned to you, copies having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-13

Land  
50942-1905.  
55783-1905  
57380-1905.  
58050-1905

( C O P Y )

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. August 29, 1905.

The Honorable,

The Secretary of the Interior.

sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Stonewall J. Rogers for himself and his minor children, Fannie L., Robert K., Mary L. and Henry C. Rogers.

June 30, 1905, the Commission decided adversely to Stonewall J., Mary L. and Henry C. Rogers and favorably to the other applicants.

The record shows that on May 20, 1902, the Commission rendered a decision adverse to all the applicants except Henry C. Rogers, and on November 6, 1902, the decision was affirmed by the Department; and that thereafter, on March 31, 1905 (I.T.D. 6790-1902, 3092-1905) the case was remanded for further testimony and readjudication in accordance with the decision of the Assistant Attorney General of March 25, 1905 (I.T.D. 6340-1904).

The record further shows that the principal applicant was admitted October 14, 1887, to citizenship in the Cherokee

nation; that not having removed to the Cherokee Nation within six months of December 4, 1894, as provided by the terms of the act of the Cherokee Council of that date, he had forfeited his Cherokee citizenship; that Fannie L. (born September 1 1893), and Robert K. (born January 26, 1895), were born prior to such forfeiture and Mary L. (born December 14, 1899), and Henry C. ( born January 31, 1902), were born subsequent to such forfeiture; that at that date he was twenty-one years of age; and that in January, 1896, he first removed to and located in the Nation;; that the other applicants are his children born (Fannie L.) September 1, 1893, (Robert K.) January 26, 1895, (Mary L.) December 14, 1899 and (Henry C.) January 31 1902.

There is also enclosed a letter from the attorney of the Cherokee Nation dated July 15, 1905, transmitting a brief on behalf of the Nation in this case which has received careful consideration.

Also a letter from the Commissioner to the Five Civilized Tribes, dated July 18, 1905, transmitting a certificate of C. J. Harris, Assistant Executive secretary of the Cherokee Nation showing enrollment of Stonewall J. Rogers on the 1890 Cherokee pay roll, which was omitted from the record.

Also a letter from the Commissioner to the Five Civilized Tribes, dated July 21, 1905, transmitting record in Cherokee citizen enrollment case of Stonewall J. Rogers et al.

In view of the record the approval of the Commission's decision adverse to Stonewall J., Mary L. and Henry C. Rogers and favorable to the other applicants is recommended.

Very respectfully,

F. E. Leupp  
Commissioner

M. M. W.

W.

I. T. D .  
11020-1905

U.S.  
J.R.W.  
W.C.P.  
S.V.P.

DEPARTMENT OF THE INTERIOR  
OFFICE OF THE ASSISTANT ATTORNEY GENERAL

WASHINGTON.      October 25, 1905

The Secretary of the Interior:

Sir:

I received by reference of September 1, 1905, with request for my opinion thereon, the record in the case of Stonewall J. Rogers, applicant for enrollment of himself and minor children as citizens of the Cherokee Nation. The case was subject of my opinion of March 25, 1905, to which referenece is here made. The former decision adverse to all the applicants was vacated and the case remanded to the Commission to the Five Civilized Tribes, which found, June 30, 1905, that all the applicants are Cherokees by blood; that October 14, 1887, Stonewall J. Rogers was duly admitted to citizenship of the nation, being then of full age; that he first removed to and located in the nation January, 1896 that his minor children by his wife Annie M., a non-citizen, were born, respectively, Fannie L., September 1, 1893; Robert K., January 26, 1895; Mary L., December 14, 1899; and Henry C., January 31, 1902. The Commission decided that Stonewall J. Rogers, principal applicant, forfeited and was barred of right by the act of the Cherokee Council of December 4,

1894, requiring removal to and permanent location in the nation by all readmitted persons within six months thereafter, and that his two children, Mary L. and Henry C., born after June 4, 1895, were also barred thereby, but that the rights of Fannie L., and Robert K. born before June 4, 1895, in allegiance to the Cherokee Nation, were saved by the proviso to the act "that nothing in this act shall bar minors and orphans." Counsel for the nation protest against admission of the two minors, Fannie L. and Robert K., and present four points of contention.

(1) That the act of admission gave the principal applicant no greater right than that of a resident citizen, and that he was barred by section one, article 2, of the Constitution, terminating citizenship "whenever any citizen shall remove, with his effects, out of the limits of this nation, and becomes a citizen of any other government;" that rights of citizenship can not arise by mere admission without removal to the nation, and that, as he did not remove until 1896, he never became a citizen, and transmitted no citizenship to his issue.

(2) That applicants living in 1896 were barred by the adverse decision of the Commission under the act of June 10, 1896 ( 29 Stat., 321, 339).

(3) That the meaning and intent of the proviso to the act of December 4, 1894, supra, is to suspend its operation only as to minors who are orphans.

(4) That as "it is conceded that these minor children are at present living in the State of Georgia", they are barred by act of Congress approved June 28, 1898, which provides that no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation to which he claims citizenship.

Counsel for the nation state that:

we dissent from the opinion of the Assistant Attorney-General. We most respectfully ask the Department to submit this case, together with all of the record connected therewith to the Attorney-General of the United States for an opinion upon the various points named therein.

The letter of reference states that:

It is requested that you advise the department whether the case should be referred to the Attorney-General, as requested by the attorney for the Cherokee Nation, and if so, that you cause a letter to be prepared transmitting the same.

The present state of the record is clearly not sufficient for reference to the Attorney-General for opinion upon the the contentions made in counsel's brief. Nothing in the record, except the fourth point of argument, suggests the fact therein said to be a conceded one. Nothing in



the record is inconsistent with the fact of the principal applicant's permanent removal to the nation, with all his family, in January, 1896, and their continuous residence there ever since. The case was before the Commission for taking of evidence, and counsel for the nation were present, November 19, 1900, November 7, 1901, and April 27, 1905, but no such "conceded" fact was shown or attempted to be shown, either by evidence or by admission of the party. The fourth point is therefore without semblance of foundation in the record. All that could be presented by this record are the first, second and third points of contention.

As to the first contention, the act of admission to citizenship in 1887 is coupled with no condition precedent that it shall be ineffective until those admitted established residence in the Nation as some similar acts of the council were, nor is there a scintilla of evidence by decisions of the Cherokee courts or of custom and usage, that such acts were inoperative until residence was established. There is in argument pointed out no provision of the Cherokee Constitution, or of Cherokee general legislation, so limiting operation of such admission acts. As the Cherokee council had plenary power in such cases, except as limited by the Cherokee Constitution, or by an act of Congress, and as I find no such limitation, and none is

pointed out by counsel, I am of opinion that the act professing to confer citizenship in the nation was within power of the Cherokee council to enact, and was operative from its date thenceforward until a forfeiture occurred under the Cherokee act of December 4, 1894. I note in this connection that the Cherokee authorities themselves so construed the act of admission, as is evident from the fact that the name of Stonewall J. Rogers was borne on the 1890 census roll of native Cherokee citizens, Cooweescoowee district, as is certified in the case of C. H. Harris, assistant executive secretary of the nation, under its seal, April 18, 1905, which fact was overlooked by the Commission, as is stated in their letter of July 19, 1905, transmitting it to the Department.

The second contention is, in my opinion, without merit. It is the uniform holding of the Department, since the decision in case of Wiley Adams, May 21, 1903, that the Commission, under the act of 1896, had no power to deny enrollment of one borne on the tribal rolls.

The third contention as presented by the record is one of statutory construction, and must be decided by the rules applicable thereto. It is not possible to give effect to both words "minor" and "orphan". An orphan is defined to

be a child whose parents-- or at least whose father--  
are dead. One can not be an orphan without being at the  
same time a minor. Orphans are but a specific sub-class,  
included in the general one of minors. Had the legislature  
meant to confine the operation of the proviso to children  
whose parents were dead, the term "orphan" was alone suf-  
ficient. As the lawgivers used the more comprehensive term  
"minors", it seems clear that the benefit of the act was  
not intended to be limited merely to orphans. The act  
is one of forfeiture and penalty. The evident purpose of  
the proviso was to exclude from its operation persons who  
are not of age to choose their own place of abode. It is not  
permissible to change the words of a legislative act  
merely to obtain a desired construction. Statutes imposing  
forfeitures, when of doubtful import, are to be construed  
strictly against extension of its operation to affect  
those not clearly within the legislative intent.

I therefore have no doubt upon the questions presented,  
and can not advise that they be referred to the Attorney-  
General for his opinion.

If the Department deem it advisable to secure the  
opinion of the Attorney-General upon the questions in-  
volved, which are important and not entirely simple, I

will promptly prepare a letter submitting the matter.

Brief of counsel contends that my opinion herein, as to minors admitted, is inconsistent with my opinions of June 15, 1905, in case of Alice Owen, and of March 12, 1904, in case of Julia Moore. In the former case I observed that:

Alice Owen, as stated in the evidence of November, 1900, was then twenty-one years of age. She was therefore a minor when admitted to citizenship by the court, January 31, 1881, and at the passage of the act of December 4, 1894. By the terms of that act, it was inoperative against minors. Had she established residence in the nation before June 28, 1898, she would have been entitled to enrollment, but failing in that is barred by the act of that date (30 Stat., 503).

It thus appears that the opinion therein expressed was the same as herein, so far as similar facts existed, Alice Owen being barred only by the act of Congress of June 28, 1898, whereas the record in the present case shows that the father of the minors here in question returned to the nation January, 1896, about eighteen months prior to said act.

In the case of Julia Moore it appeared that her mother in 1855, or earlier, removed from the nation, married a citizen of the United States, and lived in California until 1896, losing citizenship. December 18, 1890, she was admitted to citizenship by the council, but did not return

to the nation until 1896. The rights of children were in question: Arthur, born in 1892,; Myrtle 1894, and John A. 1897, born in the nation, fruit of her second marriage. The Commission admitted Arthur and Myrtle, born before June 4, 1895, and denied the other applicants. I was of opinion that there was no error in such rejection.

The only difference between that case and the one here is that of sex of the parent of Cherokee blood. In the Moore case the Cherokee blood was on the mother's side. In this it is on the father's. Regarded as a question of law of the United States, the conclusion was the right one, for children born of a citizen father, intermarried to an alien woman, the offspring take the American nationality of the father, though born abroad, if their father has been at some time resident of the United States. Section 1993, Revised Statutes of the United States. I am, however, unable to find that the Cherokee law gives any determining force or preference to the paternal nationality in transmission of rights of citizenship. In general, the Indian tribes give the blood of the mother such determining force, but the Cherokee law seems to accord equal merit to blood of both parents, and to regard Cherokee blood derived from either parent as entitling the offspring to rights of citizenship. Upon reconsidera-

tion of the question, I am of opinion that the decision  
in the present case was not erroneous.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General

Approved: October 25, 1905

E. A. Hitchcock,

Secretary.

D. C. 50236-1905

( C O P Y )

Y.P.  
LLB

I.T.D. 11020,13978-1905

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

October 30, 1905

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

Sir:

August 29, 1905, the Indian Office submitted the report of the Commission to the Five Civilized Tribes of June 30, 1905, and your reports of July 18 and 21, 1905, relative to the Cherokee enrollment case of Stonewall J. Rogers et al., and recommended that the decision of the Commission of June 30, 1905, in favor of Fannie L. Rogers and Robert K. Rogers and adverse to Stonewall J. Rogers, Mary L. Rogers, and Henry C. Rogers, be affirmed.

There is inclosed a copy of the approved opinion of the Assistant Attorney-General in the matter of October 25, 1905. He states that while the questions presented "are important and not entirely simple", he can not advise that the case be referred to the Attorney-General as requested by the attorney for the Cherokee Nation, as he has no doubt upon the questions involved. He considers the decision of the Commission not erroneous. In accordance with such opinion, the Commission's decision is hereby affirmed.

A copy of the Indian Office letter is inclosed.

Respectfully,

(Signed) THOS RYAN  
First Assistant Secretary

2 inclosures

SPECIAL.

DEPARTMENT OF THE INTERIOR,  
Washington,

J.P.Jr.

LLB.

I.T.D. 3092-1905  
13978- "

L.S.

February 28, 1907.

Direct.

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

Sir:

On October 30, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes dated June 30, 1905, in favor of Fannie L. Rogers and Robert K. Rogers, and adverse to Stonewall J. Rogers and Henry C. Rogers, in accordance with the opinions of the Assistant Attorney-General for this Department dated and approved March 25, 1905, and October 25, 1905.

It appears that on September 8, 1896, Stonewall J. Rogers applied to the Commission to the Five Civilized Tribes for the enrollment of himself and his children. His application was denied and no appeal was taken therefrom.

In view of the opinion of the Attorney-General dated February 19, 1907, in the case of William C. Thompson et al., it appears that the decision of the Commission in 1896 was final. As the Commission's decision of 1896 appears to have included



Fannie L. Rogers and Robert K. Rogers, and being final as to them, you are directed to strike the names of said Fannie L. Rogers and Robert K. Rogers from the rolls of the Cherokee Nation as of this date, and to report to the Department your action, giving roll numbers, in order that said action may be noted upon the copies of the rolls in the possession of the Department and the Indian Office.

A carbon copy hereof has been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

A.P.Mc.  
3-1-07.

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

Muskogee, Indian Territory, March 1, 1907.

Direct.

The Honorable,

The Secretary of the Interior.

Sir:

I am in receipt of telegram of this date from  
A. F. McGarr, the employe of my office now in Washington,  
as follows:

"Commissioner Five Tribes, Muskogee, Indian  
Territory, ordered that names of Fannie L. and  
Robert K. Rogers be stricken from Cherokee blood  
roll and your action in matter immediately reported  
to Department, giving roll numbers. A. F. McGarr."

In view of the limited time at the disposal of the  
Department within which to consider enrollment matters, I  
make report in this matter immediately.

It appears from the records of this office that on  
June 30, 1905, the Commission to the Five Civilized Tribes  
rendered its opinion holding that Fannie L. Rogers and Robert  
K. Rogers 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 26, 1898  
(30 Stats., 495), and holding that the application for the

enrollment of Stonewall J. Rogers, Mary L. Rogers and Henry C. Rogers as citizens by blood of the Cherokee Nation should be denied.

On October 30, 1905, ( I T D 11020,13905-1905 ), the decision of the Commission was affirmed by the Department, and the names of Fannie L. Rogers and Robert K. Rogers were accordingly placed on a final roll of citizens by blood of the Cherokee Nation opposite numbers 32799 and 32800, respectively, and approved by the Secretary of the Interior on January 13, 1906.

The action of the Department in regard to the enrollment of the above mentioned persons was taken in accordance with an approved opinion of the Assistant Attorney General, dated October 25, 1905.

It further appears from the records of this office that on September 8, 1896, in Cherokee Citizenship case number 5430, application was made by Stonewall J. Rogers for the admission to citizenship by blood in the Cherokee Nation of himself and his two minor children, Fannie L. and Robert K. Rogers, under the provisions of the Act of Congress approved June 10, 1896 ( 29 Stats., 321). This application was denied by the Commission and no appeal was perfected from said judgment to the United States Court. It would, therefore, appear that the right to enrollment of the said Fannie L. Rogers and Robert K. Rogers is adversely affected by the opinion of the Attorney General of February 19, 1907, rendered by him in the Cherokee

enrollment cases of Loula West et al. and William C. Thompson et al., and, in accordance with the telegram heretofore referred to, cancellation will be made of the names of these two persons, opposite numbers 32799 and 32800, upon the final roll of citizens by blood of the Cherokee Nation in the possession of this office, and it is requested that such cancellation be made upon the copies of said roll in the possession of the Department and the Indian Office.

Respectfully,

SIGNED *Tamc Bixby.*  
Commissioner.

Cherokee  
7498  
10960

Muskogee, Indian Territory, March 5, 1907

Chief Clerk,

Cherokee Land Office.

Dear Sir:

You are advised that the names of Fannie L. Rogers and Robert K. Rogers, were stricken from the approved partial roll of Cherokee citizens, opposite Nos. 32799 and 32800, respectively, by the Secretary of the Interior on March 1, 1907, and the application for their enrollment as citizens by blood of the Cherokee Nation, denied; and that the names of Willie, May, and Effie Black were stricken from the approved partial roll of citizens by blood of the Cherokee Nation, opposite Nos. 32784, 32785, and 32786, respectively, by the Secretary of the Interior, on March 2, 1907, and the applications for their enrollment as citizens by blood of the Cherokee Nation, denied.

Respectfully

Commissioner

HT

(Copy)

J.W.H.

D-6433.

September 2, 1909.

J.W.C.

Cherokee File 5-51.

The Commissioner of Indian Affairs.

Sir:

The Department concurs in your report and recommendation of August 9, 1909 (Land 21065,1909), relating to the Cherokee enrollment case of Fannie L. Rogers and Robert K. Rogers, and it is hereby ordered that the words and lines purporting to cancel their names from the approved rolls of Cherokee citizens be erased, and that they be restored to the status of recognized citizens of the Cherokee Nation inasmuch as their case falls within the rule announced by the Supreme Court, November 30, 1908, in the case of John E. Goldsby (211 U.S., 249), in that their names were stricken from the said rolls without due notice and opportunity for hearing.

Pursuant to this order, you are requested to cause the following notation to be placed upon the Cherokee rolls in your custody in connection with their names:

"Words and lines purporting cancellation erased by authority of departmental letter of August 1909. (Cherokee File 5-51)."

This letter will also serve as authority for like notation on the rolls in the custody of the Secretary.

By letter of even date similar authority will be granted to the Commissioner to the Five Civilized Tribes concerning the rolls on file in his office.

2.

The papers are herewith, together with a letter of even date addressed to the Commissioner to the Five Civilized Tribes.

Very respectfully,

Frank Pierce,

Acting Secretary.

Com. to Five Tribes.  
No. 1420-1909.  
Rec'd Sep. 11, 1909.

Cherokee  
10960.

Muskogee, Oklahoma, September 16, 1909.

Mr. Stonewall J. Rogers,  
Chelsea, Oklahoma.

Sir:

There is enclosed herewith copy of Departmental letter of September 2, 1909, directing that your children, Fannie L. and Robert K. Rogers, whose names were stricken from the approved roll of Cherokee citizens without notice, be restored to the status of recognized citizens of the Cherokee Nation.

In accordance with this order, said persons are entitled to all the privileges of other citizens of the Cherokee Nation, their status being the same as though no attempt had been made to strike their names from the roll.

Respectfully,

WHDW (LBA)  
Encl. 16-1.

Acting Commissioner.



Cherokee 10960

Fannie L. Rogers

Robert K. Rogers

For original record in this case  
see Cherokee R-394

Cher 10961

Effie M. Hill

Trans. from D1241

Cher 10961

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., September 19, 1900.

In the matter of the application of Peter Blackfish for enrollment of himself, wife and children as citizens of the Cherokee Nation, said Blackfish being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Peter Blackfish.  
Q How old are you? A About 52.  
Q What is your postoffice address? A Miami.  
Q What district do you live in? A Delaware.  
Q Are you a recognized citizen of the Cherokee Nation? A I suppose so.  
Q Are you a Cherokee by blood? A No, sir, Shawnee.  
Q What degree of blood do you have? A I guess pretty near fullblood.  
Q Whom do you want to enroll? A Myself, wife and children.  
Q What is the name of your father? A Caroo.  
Q Is he living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What is the name of your wife? A Mary.  
Q When did you marry her? A 32 years ago.  
Q Is she an Indian by blood? A No, sir.  
Q White woman? A Yes.  
Q What are the names of your children? A George T., 13 years old.  
On '96 roll, page 598, number 56.  
Q Allie A., 9 years old.  
On '96 roll, page 598, number 57, as Alicamanda.  
Q Next? A Charles A., 7 years old.  
On '96 roll, page 598, number 58.  
Q Are these children all alive and living with you? A Yes.  
Q What district do you live in? A Delaware.  
Q How long have you been living in the Cherokee Nation? A About 30 years.

Applicant on '96 roll, page 598, number 54;

Applicant's wife on '96 roll, page 565, number 29.

- Q Were you put upon the roll of '80? A I don't know.  
Q Where did you live 20 years ago? A I don't know, I have moved so much I don't know where I did live.  
Q Were you living in the Territory or in the states? A I expect I was up on the line in Missouri. I had a job of work and stayed up there about 6 months, and I think that is about the time I was up there.  
Q Did you draw your '94 strip money? A Yes.  
Q What year were you married? A About '68.  
Q Been living with your wife ever since? A Yes.  
Q Is she living? A Yes.

By W. W. Hastings, Cherokee Attorney:

- Q You came here in '71? A No, sir, '70.  
Q How much of your time have you lived out of the Cherokee Nation?  
A Very little.  
Q About how much? A About a year or so.  
Q Where have you been living for the last 20 years? A Most of the time right here in this town.

W. L. TROTT, being sworn, testified as follows:

- Q What is your name? A W. L. Trott.  
Q Your age? A 56.  
Q Your postoffice? A Vinita.  
By W. W. Hastings, Cherokee Attorney:  
Q How long have you lived at or near Vinita? A Since '72.  
Q Do you know Peter Blackfish, this applicant? A Yes.  
Q How long have you known him? A 20 years.

Q Has he resided in the Cherokee Nation ever since you know him?  
A I don't know of him being away. He has resided here in town a good deal of the time, but I think he is living out of the district now.  
Q Do you know his citizenship? A Nothing more than I know he is a Shawnee.  
Q Did you ever hear of his citizenship being disputed-- is there any question about it so far as you know? A No, sir.

To the applicant:

Q Did you take an allotment in the Peoria Nation? A No, sir.

ROBERT IRONSIDES, being sworn, testified as follows:

Q What is your name? A Robert Ironsides.  
Q Your age? A 56.  
Q Your postoffice? A Vinita.  
Q Do you know Peter Blackfish, this applicant? A Yes.  
Q How long have you known him? A About 35 years.  
Q How long has he been a resident of the Cherokee Nation? A I have known him ever since I came here in about '71.  
Q He has been living here since that time? A As far as I know, I have seen him very often.  
Q You see him at frequent intervals? A Yes.  
Q Has his citizenship as being a Shawnee citizen of the Cherokee Nation ever been questioned? A No, sir, not as far as I know.

The name of Peter Blackfish appears upon the census roll of '96. It is not found upon the authenticated roll of '80, but his name appears in the records of the Cherokee Nation among the list of Shawnees that were removed to and located in the Cherokee Nation under the 15th article of the Cherokee treaty with the United States proclaimed August 11, 1868, number 87 on said roll. The names of his children, George T., Allie A., and Charles A., appear upon the census roll of '96 as also the name of his wife. Satisfactory proof being made as to his citizenship, also as to his residence, and he being duly identified, the said Peter Blackfish will be listed for enrollment by this Commission as a Cherokee citizen of Shawnee blood as will his children, George T., Allie A., and Charles A., and his wife Mary will be listed for enrollment as an intermarried citizen of the Cherokee Nation.

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

(Signed) B. McDonald.

Subscribed and sworn to before me this 22nd day of September, 1900.

(Signed) T. B. Needles,  
Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 8th day of January, 1902.

  
Commissioner.

a

19124

DEPT. OF LABOR  
COMMISSIONER OF LABOR

FILED

OCT 23 1901

ACTING CHAIRMAN

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 12, 1901.

In the matter of the application of Effie M. Hill for the enrollment of herself and one child as Cherokee citizens by Shawnee blood; being sworn and examined by the Commission she testified as follows:

- Q What is your name? A Effie M. Hill.
- Q How old are you? A I will be 18 the 15th of November.
- Q What is your post-office address? A Kelsaw.
- Q Do you apply for enrollment as a Cherokee by blood? A Yes sir.
- Q Do you apply for anyone besides yourself? A My child.
- Q What is your child's name? A Clara Kveline.
- Q How old is the child? A She will be 6 months old the 15th of October.
- Q She is living with you at the present time? A Yes sir.
- Q Who is the father of the child? A Howard M. Hill.
- Q Is he a Cherokee or a white man? A White man.
- Q What district in the Cherokee Nation are you living in? A Indeed I could not tell.
- Q You are living in the Cherokee Nation? A Yes sir, now.
- Q Where were you born? A Indeed I never heard my mother say, I don't remember.
- Q Don't know whether you were born in the Cherokee Nation or not?
- A No sir, I do not.
- Q Where were you living when you can first remember? A I was living with my grandfather.
- Q In the Cherokee Nation? A No, close to the line, in Missouri, right on the line; in Missouri though I believe it was.
- Q You were living in Missouri at that time? A Yes sir.
- Q Near what town? A Seneca, Missouri.
- Q You remember when you came to the Cherokee Nation? A Why yes, I just came lately, I don't remember just what date it was.
- Q How long ago, how many years ago? A About a year.
- Q Previous to that time you had always been living in the State of Missouri? A Yes sir, with my grandparents.
- Q What was your father's name? A Peter A. Blackfish.
- Q Is he living? A No sir.
- Q What was the name of your mother? A Ellen Hayes.
- Q You claim a right to enrollment through your father and mother?
- A My father.
- Q You were a white woman? A Yes sir.
- Q Is she living? A Yes, she is living.
- Q You claim to be a Cherokee or Shawnee? A A Cherokee-Shawnee.
- Q What was the name of your grand-father with whom you were living in Missouri? A Lewis Hayes.
- Q What was your mother's father? A Yes sir.
- Q You resided in the state of Missouri up until about a year ago?
- A Yes sir, my grandparents wouldn't let me come into the Cherokee Nation.
- Q When were you married to your husband, Howard M. Hill?
- A 2 years ago.
- Q After your marriage to him you removed to the Cherokee Nation?
- A Yes sir.
- Q Had you ever lived here before that time in the Nation? A No sir.
- Q You never had? A No sir.
- Q Three years ago last June you were living in the state of Missouri? A Yes sir.
- Q Have you ever been recognized as a citizen of the Cherokee Nation? A Why I don't, I can't say; been here a year.
- Q Have you ever drawn any money as a citizen of the Nation?
- A Yes, I have drawn money.

Effie M. Hill et al 2

- Q When? A My grandfather drew money; I forget just how long it was ago. About five years anyhow, I guess.
- Q Have you ever applied for citizenship in any other tribe?
- A No sir.
- Q Were you ever recognized as a citizen of the Cherokee Nation?
- A Yes sir.
- Q Is his name on any of the rolls? A Yes sir, from what I understand he is.
- Q Did your father always reside in the Cherokee Nation? A Yes sir, as a child I think.
- Q Did you ever apply to this Commission for enrollment as a citizen of the Cherokee Nation? A I never did, my grandfather did for me.
- Q How long was he away from you? A I don't know, it has been 5 years surely, anyhow.
- Q He applied to the Commission at that time? A Yes, it must have been five years.
- Q Your grandfather himself never claimed to be a citizen of the Cherokee Nation? A No sir, he was just trying to get me in.
- Q He was a white man? A Yes sir.
- Q Did you ever go by any other name than Effie M. Hill or Effie M. Blackfish? A No sir.
- Q Did they ever call you Effie M. Hayes? A No sir.
- Q Do you remember how much money your grandfather drew for you?
- A No sir, I do not; just whatever the rest of them drew though at that time.
- Q Did you ever draw any money in the Quapaw Agency? A No sir.
- Q Did you ever take any lands over there? A No sir.
- Q Now r have taken any allotment over there? A No sir.
- Q Did you ever live with your father? A No sir, I moved with my grandfather.
- Q Did you ever have any brothers or sisters? A Not by my own mother and father.
- Q Did your father have any other children besides you? A Yes.
- Q You know the names of any of them? A No sir, I never knew them.
- Q You know whether your father and mother were ever married or not? A I could not say anything about their marriage.
- Q Don't you remember any of your half-sisters or brothers?
- A No sir.
- Q You don't know whether any were older than you or any younger?
- A No sir, I don't know.

1896 citizenship Docket A, Dawes Commission, examined and applicants not found the reon.

JOHN R. CAMPBELL, being sworn and examined testified as follows

BY COMMISSION:

- Q What is your name? A John R. Campbell.
- Q How old are you? A 46.
- Q What is your post-office address? A Vinita.
- Q Are you acquainted with the applicant, Effie M. Hill, who was formerly Effie M. Blackfish? A Yes sir.
- Q Do you know her father? A Yes sir.
- Q Do you know her mother? A Yes sir.
- Q Do you know whether the parents of the applicant were ever married? A I don't know about that.
- Q Where has the applicant been living during the past 4 or 10 years? A She has been living right along the line of Missouri and the Territory.
- Q Has her home been in Missouri or has it been in the Territory, that is, has she been actually living in Missouri or in the Territory? A She has been living when I know her in Missouri.
- Q Do you know whether she ever drew any money from the tribal authorities of the Cherokee Nation? A Yes sir.

Effie M. Hill et al 3

Q You know what amount it was? A It was something like 180 dollars; the Cherokee payment, or Shawnee payment they had 4 or 5 or 6 years ago.

Q Was her father, Peter Blackfish, a recognized ~~citizen~~ Cherokee-Shawnee? A Yes sir.

Q Did you know any of his other children? A I have seen some of his children.

Q Could you give us the names of any of them? A No sir.

Q Do you know whether he had any children older than the applicant?

A I couldn't say about that; I think probably he did, somewhere along about the same age; he had other children.

Cherokee-Shawnee Pay roll page 6, No. 125, Ellie I. Blackfish, age 10 years.

1896 census roll of citizens of the Cherokee Nation examined for applicant and name not found.

1896 census roll examined for applicant's father and found on page 593 #54, Peter Blackfish, Delaware District.

1890 authenticat d roll of citizens of the Cherokee Nation examined for Peter Blackfish and name not found neither is the name of his wife found thereon.

1894 pay roll of citizens of the Cherokee Nation examined for Peter Blackfish and name not found.

Commissioner. Effie M. Hill, applied for the enrollment of herself and her daughter Clora E. Hill as Cherokee-Shawnees; she is not identified upon any of the tribal rolls of the Cherokee Nation in the possession of the Commission with the exception of the Cherokee-Shawnee pay roll made by D.W.Lipe, in 1896 according to number and page as set forth in the testimony, and even there she is not identified positively as the applicant. She avers that she is the daughter of Peter Blackfish and Ellen Hayes, and that she claims her right to enrollment through her father, Peter Blackfish, a Cherokee-Shawnee. Said Peter Blackfish is identified upon the census roll of 1896; it also appears from the records of the Commission that he has been listed for enrollment as a Cherokee-Shawnee on Cherokee card No.3062, and the testimony filed in said case will be made a part of the case at bar. The applicant avers that she was married about 2 years ago to one Howard M. Hill, a white man. It appears from the testimony that she was raised in the State of Missouri at or near Seneca; that she lived there continuously up until about a year or so ago, when she returned to the Cherokee Nation. It will be necessary that the applicant file with the Commission satisfactory proof as to the birth of her daughter. By reason of the fact that the applicant has lived in the Cherokee Nation but one year and for the further reason that she is not identified upon any of the rolls except the Shawnee pay roll, she and her daughter will be listed for enrollment as Cherokee-Shawnees on a doubtful card, and when the decision of the Commission is finally rendered she will be notified in writing at her present post-office address. No satisfactory proof is made as to the marriage of the parents of the said Effie M. Hill.

SUPPLEMENTAL to judgment:  
Applicant examined by Commission.

Q Why did you not remove to the Cherokee Nation sooner than a year ago? A Because my grandfather wouldn't let me.

Q You were living with him at that time and were a minor?  
A Yes sir.

Q He was your guardian? A Yes sir.



Effie M. Hill et al 4

Q Did your father ever ask you to come to the Cherokee Nation and live with him? A Yes sir.  
Q And your grandfather wouldn't let you come? A No sir.  
Q Did any one ever come after you and endeavor to bring you to the Cherokee Nation? A Yes sir, there was folks come.  
Q Some of your father's people? A No, I don't know whether they were or not.  
Q They came there for the purpose of bringing you to the Cherokee Nation? A Yes sir, wanted me to come and he wouldn't let me.  
Q Your grandfather wouldn't let you? A No sir.

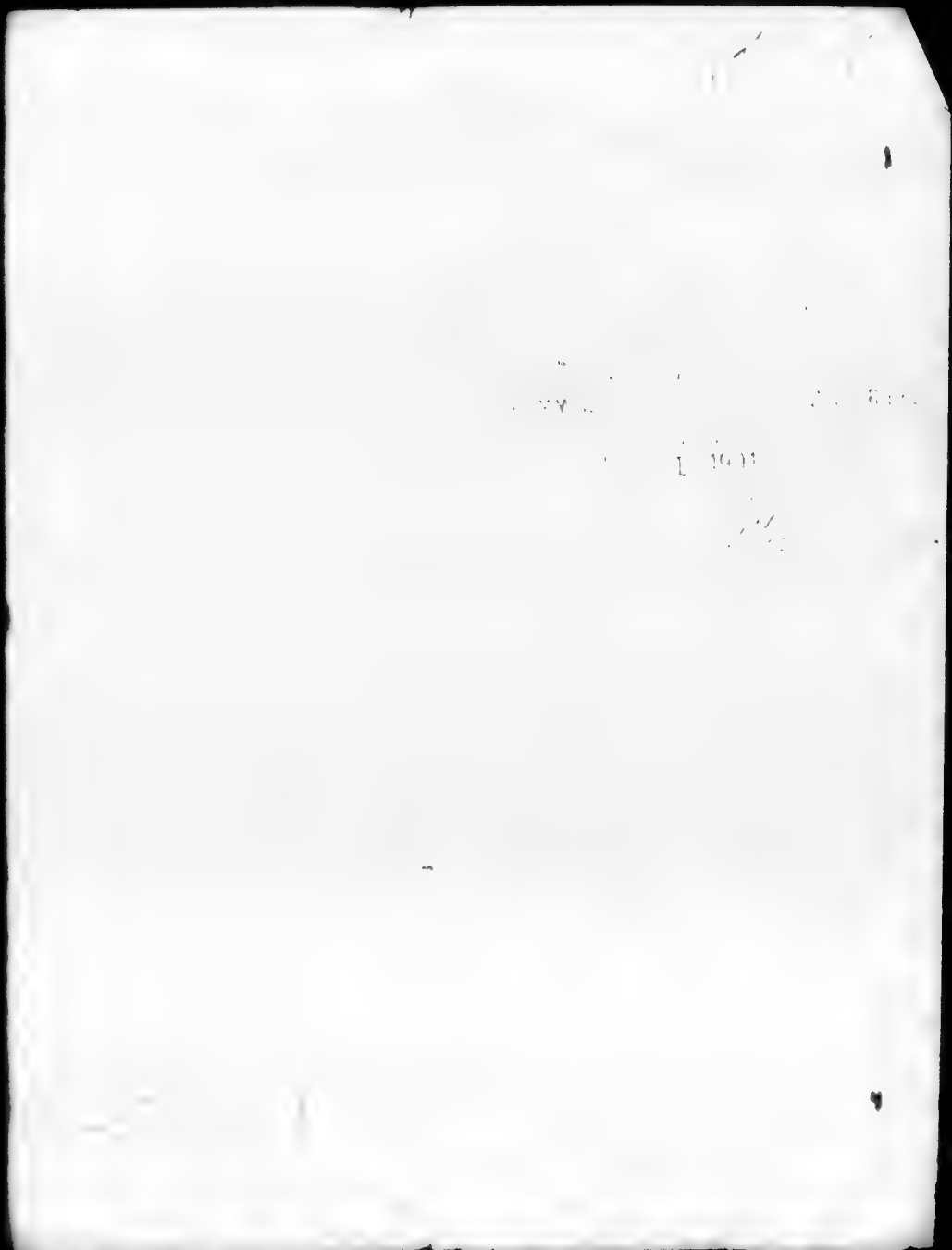
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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic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

M. D. Green

Subscribed and sworn to before me this October 24, 1901.

*C. A. Beckwith*

Commissioner.



# CHEROKEES BY BLOOD AND ADOPTION.

Date Oct. 12

1904

Name [Signature]

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name 18/ Eppie M. Hill

Melba, I. I.

District

Lower Shawnee Page 6

No. 125

Citizen by blood Yes 1/2

Mother's citizenship

Parents { Peter Blackfish and Ellen Hayes White liv

Intermarried citizen No

Married under what law

Date of marriage

1899

License

Certificate

Names of Children:

Lelora E. Hill

Dist.

Year

Page

No.

Age

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Dist.

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Application by No 1

Stenographer, M. J. Green.

No 1 on the lower Shawnee page with Elice M. Blackfish 10<sup>th</sup> ad  
No 2 Birth cert. required.

X Ref 3062. lower Shawnee.

2-11-12 C. J. Green 7/4

NOVA... REGIONAL... ELECTRIC

FILED  
NOV 11 1901

*[Signature]*  
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., OCTOBER 31st, 1901.

EXTRANEAL TESTIMONY in the matter of the application for enrollment as Cherokee citizens of EFFIE W. HILL, ET AL., introduced as part of applicants:

ATTORNEYS:

D. H. Wilson, attorney for applicants;  
Mr. J. B. Davenport, as attorney for Cherokee nation.

THOMAS DOUGHERTY, being duly sworn by Commissioner Breckinridge, testified as follows on part of applicants:

COM'R BRECKINBRIDGE: Give me your full name? A Thomas Dougherty.

Q How old is your age? A 51.

Q What is your post office? A Vinita.

Q How long have you lived in the Cherokee nation? A Since '71.

Q What are you, Shawnee? A Shawnee.

Q How much blood? A Pretty near it I guess.

Q Do you want to give some testimony in regard to the case of Effie W. Hill, et al? (No response.)

Q You know this woman, Effie W. Hill? A Well, I have seen her not personally acquainted with her.

Q Did you personally acquainted with her? A No, sir.

Q Did you know her father? A Yes, sir.

Q What was his name? A Peter Blackfish.

Q How do you know this woman is a daughter of Peter Blackfish?

A I asked him a while back; I met her in town and I asked him whether he had placed them on the roll before the lawes commission and he said no, I haven't, she is of age, she is married and she can do for herself.

Q Is Peter Blackfish living now? A No, he is dead.

Q Did you have any personal acquaintance with this woman?

A No, sir, I have seen her a time or two.

Q Well, how did you happen to be interested in this woman if you didn't know her? A Well, I just asked him.

Q How did you happen to ask him? A Well, I saw him down here and had him to sign some papers on some land and I wanted to know, I first asked him about whether that child would be interested in this land matter.

Q She was interested in the land matter? A No, I asked him if she would be and he said no, and then I asked him whether he had placed on the roll before the lawes Commission.

Q You just happened to ask him the question? A Yes, sir.

Q What name did he call the child by? A He didn't name her at all, he didn't give me any name.

Q You don't know whether she was generally called Effie or Ellen?

A No, sir; but I find on the Dickson roll there her name is Ellen.

Q That will speak for itself; you don't know anything about that?

A No, sir.

D. H. WILSON: Tom, what do you know about this matter with respect to the child, Effie, being the one that was said to be the illegitimate child of Peter Blackfish; was that the one you referred to? A Yes, that is the one.

Q And is that the one that was placed on the roll, and that you had reference to when you asked him whether the child was on the roll?

A Yes, sir.

COM'R BRECKINBRIDGE: Did you have any talk with Blackfish in 1896 about this child being put on the roll? A Yes, sir.

Q Well, what was the occasion of that talk and what was it?

A Well, I just wanted to know if he placed that child on the Dickson roll.

- Q Why did you want to know that when you didn't know the child?  
A There was some parties got me to ask if she was placed on the roll.
- Q What interest was placed in the matter? A There was a good many of these merchants letting out some goods and I suppose wanted to let some goods out and wanted to know if she was on the roll.
- Q Were you interested with the merchants? A No, sir, they just wanted to know.
- Q Who was interested? A Mr. Campbell.
- Q They were interested in the payments? A Yes, sir.
- Q And then you asked Blackfish about the illegitimate child?  
A Yes, sir.
- Q Well, did you ask him about this child you say is an illegitimate child? A Yes, sir.
- Q But you don't know whether they called her Effie or Ellen or what?  
A No, sir, as I said a while ago I didn't know until I saw the Dickson roll here not long ago.
- Q Was you always known distinctly which one of his children was the one that was understood to be the illegitimate child? A Yes.
- Q How you always been able to recognized that child from the other children? A Since that conversation I have.
- Q Since that conversation in 1896? A Yes, sir.
- Q How did you happen to distinguish that illegitimate child from the other children at that time? A Because it wasn't living with the family.
- Q When did you first see this child? A I never saw it until here about a month ago.
- Q Well, then, you could not distinguish it because you never saw it? A I can from the conversation I had with Blackfish.
- Q Whom was it living with in that day? A This illegitimate child?
- Q This illegitimate child we are talking about? A I don't know she was living in Missouri, she wasn't living with this family.
- Q You just know in a general way he had a child living up there?  
A Yes, sir, from his conversation.
- Q That was understood to be his illegitimate child? A Yes, sir.
- Q Well, what reason have you to believe that this woman now called Effie M. Hill is the same person as that illegitimate child that you once understood was living up in Missouri but never saw in that day? A Well, only by hearsay from people that knew her.
- Q Just as a matter of neighborhood information? A Yes, sir.
- Q Are you personally acquainted, and have you for a long time been personally acquainted with all the members of Peter Blackfish's family except this woman, Effie M. Hill? A Well, no, not all the child, I don't know all the children.
- Q You have not been personally acquainted with them? A No, I know the oldest ones.
- Q Do you know anything about the mother of this woman, Effie?  
A No, sir, I don't.
- Q Well, what amount of Indian blood does this woman, Effie seem to have; does she look like a full blood or half or quarter?  
A She looks like some Indian.
- Q You don't know whether her mother is a white woman or what?  
A Well, only by hearsay, she is a white woman.
- Q The general information and belief then is she is a white woman?  
A Yes, sir.
- Q You don't know who she was? A No, sir.
- Q You have no knowledge that she and Blackfish were ever married in any way? A No, sir.
- Q Do you know whether this woman is married now or not, this woman Effie? A I think do.
- Q You don't know though? A No.
- Q What name does she go by now? A Her name is Hill now.
- Q That is the name she goes by? A Yes, sir.
- Q In about a year I seen her husband, claimed to be her husband, with her here.

They went as man and wife? A Yes, sir, and had one child.  
She acknowledged this man Hill as husband? A Yes, sir.

Com'r Breckinridge: The attorney for Effie M. Hill files a document from the Interior department giving a copy of certain parts of the Shawnee-Cherokee payment, known as the Dickson roll, containing the enrollment of Peter Blackfish and his family and in that list there are two names similar to the maiden name of the applicant, one is Ella M. Blackfish, five years old, and the other is Ellie M. Blackfish, ten years old. It is alleged that the latter name is intended for the applicant who now gives her name as Effie M. Hill.

The testimony just taken with the statement just made will be filed with the papers in this case, as will also the document from the Interior department.

The attention of the attorney is called to what seems to be the chief requirement in this case at the present time, and that is: Proof of some form of marriage between the father and mother of Effie M. Hill; it being admitted by the attorney and stated by the witness giving testimony at this time to be a matter of common belief and information that the mother of Effie M. Hill, possessed no rights of herself, she being a white woman, and Effie being generally understood to be an illegitimate child.

MR. DAVENPORT, of the Witness Mr. Dougherty:

Q Mr. Dougherty, the Campbell you spoke of speaking to you when the roll was being made is one of the Campbells that is in business at Seneca, Missouri? A It is John Campbell.

Q Where was he living then? A Seneca, Missouri.

Q You have known Peter Blackfish how many years? A Well, I don't know how many years, we was boys together.

Q You have known him since he moved to the Cherokee Nation in 1870, haven't you? A Yes, sir.

Q When he came to the Cherokee Nation was he a married man or single then? A I think he was a married man.

Q Did you know what his wife's name was? A It do, it was Mary.

Q When he died that same Mary was yet his wife? A Yes, sir.

Q And they continued to live together here from the time they came down here up until his death in the Cherokee Nation? A Yes, sir.

---oooOooo---

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

*J. O. Rosson*

Subscribed and sworn to before me this November 9th, 1901.

*[Signature]*

Commissioner.

0201449

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
MAR 28 1902

  
ACTING CHAIRMAN



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
EFFIE W. HILL as a citizen of the Cherokee Nation; introduced  
on part of applicant:

The applicant was notified by registered letter March 3,  
1902, that her application for the enrollment of herself as a  
citizen of the Cherokee Nation would be taken up for final con-  
sideration by the Commission at its offices in Muskogee, Indian  
Territory, on the 22d day of March, 1902.

Mr. W. W. Hastings, Cherokee Representative, present.

L. B. CAMPBELL, being duly sworn, testified as follows on  
part of the applicant:

COMMISSION:

- Q What is your name? A L. B. Campbell.  
Q What is your post office address? A Carthage, Missouri.  
Q You are acquainted with the applicant in this case, Effie W.  
Hill? A Yes, sir.  
Q How long have you known her? A I have known her for about  
ten years or more.  
Q Did you know her father? A Yes, sir.  
Q What was his name? A Peter Blackfish.  
Q What was her mother's name? A Before she was married.  
Q Yes, sir? A Hayes.  
Q Was Peter Blackfish a citizen of the Cherokee Nation?  
A Yes, sir.  
Q Was his wife a white woman? A I think she was.  
Q Do you know whether they ever lived together as man and wife?  
A I think they did.  
Q Did you ever see them living together? A No, I never saw them  
living together; I knew them very well and the little girl, I knew  
her long before she was grown, and Peter Blackfish acknowledged her  
as his child, and drew money, I saw him draw money for them, in  
fact after that I was acting as guardian for the little girl.  
Q Just make any statement you like? A Well, I was acting as  
guardian for her and saw him draw the money at the Dixon roll in  
'86--'86 I think it was, this Dixon roll and she was acknowledged  
and she was on that roll, and I was present, I was doing some col-  
lecting, I was in business, and I saw him draw the money; I think  
it was 200 dollars, something like that, \$250. Well, afterwards  
he turned that money over to me as guardian to see to her schooling,  
and I was very much interested. He said he had another family; I  
didn't know the members of his family, he had other children; and  
her grandfather was a white man, old man Hayes, he got charge of the  
little girl when she was very small, had charge of her and would not  
let her go without his consent and in fact he forbid him coming on  
the place they say. Peter Blackfish made several attempts to get  
her, he wanted to raise her himself and sent some man over there  
and he run them off with a shot gun and he asked me to see that  
she went to school and I sent her to school.  
Q He acknowledged her to be his child? A Yes, he acknowledged  
her hundreds of times to me; come around and ask me about her, see  
her and all about it.  
Q Did you know her present husband here, Howard M. Hill? A I  
think I have seen him.

Q Where is she living at this time? A She is living somewhere a out Vinit.

Q In the Cherokee Nation? A Yes, sir, some of those little stations up there; I haven't seen her and talked with her for a year or two, two years I guess. Way I come down, I was at Vinita, and I heard the little girl needed testimony and I took the matter in my own hand and spent the money. She could not put up a cent for my expenses. He knew that I had been guardian and knew Peter Blackfish had acknowledged her as his daughter, dozens, hundreds of times he spoke of her.

MR. HASTINGS:

Q Peter Blackfish was married to another woman? A Yes, sir.

Q He had another family? A Yes, sir.

Q He testified before the Commission in September, 1900, when he was alive at that time, that his wife was named Mary? A Present wife?

Q Yes? A Wife at that time.

Q And he said that he had been married to her 32 years at that time 1900; do you know that not to be correct? A No, I don't know his other family.

Q You knew his other family? A Yes, sir.

Q You knew he had a family when this child was born?

A Well, at that time, I didn't feel enough interested when he was drawing this money.

Q You heard afterwards that he had another family? A Yes, sir.

Q And that this was an illegitimate child of his? A I don't know; I suppose they had a kind of ceremony.

Q You never knew that child when she was very small? A I knew her when she was about this high (indicating).

Q The girl is about how old now, about 20? A Just about, somewhere along about 20.

Q Where is she living? A She is living up here about Vinita, at some of those stations.

Q You don't know? A No, sir.

COMMISSION:

Q Is there any further statement you desire to make? A No, sir; all I know of it I will have to repeat, but I am positive that Peter Blackfish acknowledged her as his child; he even told me that he would like for me to bring her out there to his family.

Commission: The record in this case is now deemed completed and the same will be reported to the Commission for final decision based upon the evidence now of record.

---ooo000ooo---

I, J. O. Rossen, being first duly sworn, states upon his oath as stenographer to the Commission to the Five Civilized Tribes that he correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

*J. O. Rossen*

IN RE

Application for Enrollment of  
INFANT CHILD

Clara L. Hill,  
as a citizen of  
Ocheroc  
Nation.

Approved Feb. 3, 1903.

C. C. Breckinridge,  
Commissioner

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

FILED  
FEB. 3, 1903.

Thos. Bixby,  
Acting Chairman.

*Cherokee D 1241*

C. D. 1241

(C O P Y)

20

IN RE  
Application for Enrollment of  
INFANT CHILD

Clara L. Hill.

as a citizen of

Cherokee Nation.

Approved      Feb. 3,      1903.

C. H. Breckinridge,  
*Commissioner*

RECEIVED  
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,  
WASHINGTON, D. C.  
FEB. 3, 1903.

JAMES RIXON,  
Chief Clerk.

Cherokee D 1241

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Clara F. Hill, born on the 1st day of April, 1901  
Here insert name of child.  
Name of Father: Howard M. Hill a citizen of the U.S. ~~Nation~~  
Name of Mother: Effie M. Hill a citizen of the Cherokee Nation.  
Postoffice Vinita, I.T.

**AFFIDAVIT OF MOTHER.**

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Northern Judicial DISTRICT. }

I, Effie M. Hill, on oath state that I am 20  
years of age and a citizen, by blood, of the Cherokee Nation;  
that I am the lawful wife of Howard M. Hill, who is a citizen, ~~U.S.~~  
of the U.S. ~~Nation~~; that a female child was  
(Male or Female.)  
born to me on 1st day of April, 1901; that said child has been named  
Clara F. Hill, and is now living.

**WITNESSES TO MARK:**

(Must be Two Witnesses.) }  
W. L. Wene  
E. B. Stivers

Subscribed and sworn to before me this 29 day of January 1903

My Commission expires January 11, 1905. W. Mayse,  
Notary Public.

**AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Northern Judicial DISTRICT. }

I, L. A. Niday, a midwife, on oath state that I  
attended on Mrs. Effie M. Hill, wife of Howard M. Hill  
on the 1st day of April, 1901; that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named  
Clara F. Hill.

L. A. Niday.

**WITNESSES TO MARK:**

(Must be Two Witnesses.) }  
W. L. Wene  
E. B. Stivers.

Subscribed and sworn to before me this 29 day of January 1903

W. Mayse,  
Notary Public.  
My Commission expires January 11, 1905.

C.T. 1211.1

**FILED**  
MAR 5 1954  
**COMMISSION TO FIVE TRIBES.**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory. March 6, 1905.

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In the matter of the application for the enrollment of  
Effie W. Hill et al. as citizens of the Cherokee Nation of Shawnee  
blood.

-----

By the Commission:

- Q. What is your name? A. Effie May Hill.  
Q. How old are you? A. About 23.  
Q. What is your post office address? A. I get mail at Peoria,  
Indian Territory, and some off of the line of the M. K. & T.  
Q. What was the name of your father? A. Peter Blackfish.  
Q. What was the name of your mother? A. Helen Hayes.  
Q. Where were you born? A. In Missouri.  
Q. When did you come to the Territory? A. I came to the  
Territory in 1901.  
Q. You had never lived in the Territory up to that time? A.  
No sir, they wouldn't let me live here?  
Q. Who wouldn't let you? A. My grandfather, he raised me and  
he wouldn't let me come to the Territory.  
Q. Did your father and mother live in the Territory? A. My  
father did.  
Q. Where did your mother live? A. With my grandfather.  
Q. Is your father living? A. No sir.  
Q. When did he die? A. In 1901.--or 1900, I forget which.

MR. HASTINGS:

- Q. Were you born in Missouri? A. Yes sir, right on the line.  
Q. Was your mother a white woman? A. Yes sir.  
Q. Did your father and mother ever live together as husband and  
wife? A. Yes sir.  
Q. Did you live with them? A. I never lived with my father.  
Q. You never lived with your father and mother while they were  
living together? A. No sir.  
Q. They never were married? A. I reckon they were.  
Q. Have you any proof of your father and mother's marriage?  
A. No sir.  
Q. They were not living together when you can first remember?  
A. No sir.  
Q. Where did your grandfather live? A. Right on the  
Missouri line.  
Q. Was he your grandfather on your mother's side? A. Yes sir.  
Q. And you were living with your grandfather when you can first  
remember? A. Yes sir.  
Q. And your mother continued to live there up until her death?  
A. No ----  
Q. When did she die? A. Well, I don't know just when she  
died. I haven't heard from her in a long time. She left  
there.  
Q. Did you live with your grandfather until you married? A.

Effie M. Hill-----#2.

- Yes sir.
- Q. Where did your mother go? A. I don't know.
- Q. Did she afterwards marry? A. Yes sir.
- Q. A white man? A. Yes sir.
- Q. Where did she go to? A. I don't know just where she went.
- Q. Didn't you ever hear where she went? A. I reckon she went to the Indian Territory.
- Q. Is she living? A. I don't know whether she is or not. I have not heard from her in a long time.
- Q. You do not know anything about her whereabouts? A. No sir.
- Q. From your earliest recollection you were living with your grandfather in Missouri? A. Yes sir.
- Q. When did you say you were married? A. In 1900.
- Q. Where? A. In Missouri.
- Q. Is your husband a citizen of the state of Missouri? A. He is a white man.
- Q. How long did you live there after you were married? A. In Missouri?
- Q. Did you live there a year? A. No sir, I live in the Territory. I moved to the Territory the next year after I married.
- Q. From your first recollection up to 1901 you lived in the state of Missouri? A. Yes sir.
- Q. You say you were married in 1900? A. Yes sir.
- Q. And lived there about a year and then moved to the Indian Territory? A. Yes sir.
- Q. To what part of the Territory did you first come? A. To Kelso.
- Q. How long did you live at Kelso? A. About six months, I think.
- Q. Then where did you go? A. To the Peoria Nation.
- Q. How long did you live in the Peoria Nation? A. We are living there yet.
- Q. Then you have never lived in the Cherokee Nation except the six months, and that was in 1901? A. We have been back several times.
- Q. You were never here to live? A. No sir.
- Q. Where do you keep house? A. McClure.
- Q. You have kept house there since 1901? A. Yes sir.
- Q. You never kept house in the Cherokee Nation but six months? A. I have worked around at places, and I stayed at places.
- Q. Where is your husband now? A. In the Peoria Nation.
- Q. He is not here with you? A. No sir.
- Q. When did your mother marry this white man and leave your grandfather's place? A. I don't know just when it was.
- Q. About how old were you? A. About three or four years old I reckon.
- Q. How old are you now? A. About 23.
- Q. You do not remember your father and mother ever living together at all? A. No sir.

COMMISSION:

- Q. Did your father marry again after he married your mother?  
A. Yes sir.
- Q. What was his second wife's name? A. I never knew her.
- Q. Where was your father living the last you knew of him? A.  
A. Near Bluejacket.
- Q. And you did not know your father's wife? A. No sir.



Effie M. Hill-----#3.

- Q. Did they have any children? A. Yes sir.  
Q. Do you know the names of the children? A. I did know, but I have forgot them.  
Q. Were you ever at his house. A. No sir.

(The father of the applicant is identified as Peter Blackfish on Cherokee Card no. 3062.)

- Q. Do you claim that your mother and father were married? A. I suppose they were.  
Q. Is there anybody that you know of who knows about that fact? A. I never heard any one say anything about it.

(The case will be held open for one week, and if the attorney for the applicant does not appear and introduce further testimony within that time, the case will be closed and submitted on the record.)

(The attorney for the Cherokee Nation submits the case on the record as it now stands.)

-----

Eula Jeanes Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled case, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 7<sup>th</sup> day of March, 1908

Myron White  
Notary Public.

Mustang Indian Territory, 3/6/1903

RECEIVED of the COMMISSION TO THE FIVE-CIVILIZED TRIBES

one copy of the testimony in

C. N. 1241 J. H. Hill

J. H. Wilson Secy  
Pl. Co. 6300

Representing G. H. Wilson, Attorney for Applicant.

RECEIVED  
MAR 21 1905  
COPIES ON TO FIVE DUES.

Cherokee-D-1241.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, March 13, 1905.

-----  
In the matter of the application for the enrollment of  
Effie May Hill and her daughter, Chlora E. Hill, as citizens of  
the Cherokee Nation.

-----  
On March 6, 1905 the matter of this application was taken  
up by the Commission, and by agreement of the parties the case was  
left open until March 13, 1905.

On this day the applicant appears not either in person or  
by attorney.

The Cherokee Nation is represented by its attorneys, Bell,  
Hastings & Davenport.

The Cherokee Nation does not wish to offer any testimony,  
and the case will now be considered closed, and a decision rendered  
upon the record as it now stands.

-----  
Eula Jeanes Branson, being first duly sworn, states  
that, as stenographer to the Commission to the Five Civilized  
Tribes, she reported the proceedings had in the above entitled  
cause on the 13th. day of March, 1905, and that the above and  
foregoing is a full and complete transcript of her stenographic  
notes taken in said cause on said date.

*Eula Jeanes Branson*

Subscribed and sworn to before me this the 21st. day  
of March, 1905.

*W. J. White*

Notary Public.

8/10

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

-000-

In the matter of the application for the enrollment of Effie W. Hill, et al., as citizens of the Cherokee Nation, of Shawnee blood.

---: D I I I O I :---

The record in this case shows that on October 12, 1901, Effie W. Hill appeared before this Commission, at Vinita, Indian Territory, and made application for the enrollment of herself and her minor child, Clara E. Hill, as citizens of the Cherokee Nation, of Shawnee blood. Further proceedings were had in the matter of said application, at Vinita, Indian Territory, on October 31, 1902 and March 22, 1902, and also at Muskogee, Indian Territory, on March 6 and March 13, 1905. A copy of the testimony, taken on September 19, 1900, in the matter of the application of Peter Blackfish, for the enrollment of himself and others, as citizens of the Cherokee Nation, has been filed with and made a part of the record in this case.

The evidence herein shows that the principal applicant, Effie W. Hill, is the illegitimate daughter of Ellen Hayes, a white woman, and Peter Blackfish, who died prior to September 1, 1902, but the names of whose children, claiming through him, appear upon the partial roll of citizens of the Cherokee Nation of Shawnee blood prepared by this Commission and approved by the Secretary of the Interior, November 14, 1902; that said applicant was born in the State of Missouri where her mother resided, and that from early infancy she has lived with her maternal grand-parents in said State of Missouri until 1901, when, at the age of eighteen, she removed to the Cherokee Nation, where she resided for a period of six months, since which time she has made her home in the Peoria Nation.

Effie W. Hill is identified upon the 1896 Cherokee-Shawnee Pay Roll and her minor child Clara E. Hill (born April 1, 1902) is identified by proper proof of birth filed herewith.

Paragraph Nine of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides:-

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

It is therefore the opinion of this Commission that, following the ruling of the Department in the case of Ellis Grimmett, et al., (I.T.D. 4430-1904), the application for the enrollment of Effie W. Hill and Clara K. Hill, as citizens of the Cherokee Nation, of Shawnee blood, should be denied under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

*Jams Bixby.*

Chairman.

(SIGNED).

*I. B. Needles.*

Commissioner.

(SIGNED).

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

JUN 20 1905

HER

HENRY J. LAWRENCE  
TAMM BIRBY  
THOMAS B. NEEDLES  
W. BRACKENRIDGE  
ALLISON L. WATSWORTH

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1241

Muskogee, Indian Territory, March 3, 1902.

Mrs. Effie N. Hill,  
Kelsce, Indian Territory,

Sir:-


You are hereby notified that the application of yourself and one minor child

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on March 12, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to D.H. Wilson,  
Vinita, I.T.  
Register.

Yours truly,  
  
Acting Chairman  
Commissioner in Charge.

Cherokee D-1841

Muskegee, Indian Territory, March 28, 1902.

D. H. Wilson, Esq.,

Attorney at Law,

Vinita, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of March 21, stating that Mr. Campbell will represent you on the hearing of the application for the enrollment as a citizen of the Cherokee Nation of Effie M. Hill et al, and asking that you be allowed a week in which to file brief in this case.

In reply, you are advised that you will be allowed ten days from March 22, the date on which this case was submitted, in which to file such brief as you desire.

Yours truly,

Commissioner in Charge.



COMMISSIONERS  
TAMM BERRY  
THOMAS B. NEEDEN  
C. R. BRECKINRIDGE  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1241

ALLISON L. AVENSWORTH  
SECRETARY

Muskogee, Indian Territory, July 15, 1903.

Commissioner in Charge,  
Cherokee Land Office,  
Tahlequah, Indian Territory.

Sir:

Upon examination of the record in Cherokee D-1241, Effie M. Hill et al., it is considered that there is not sufficient testimony upon which to prepare a decision. This record is herewith enclosed and it is requested that further evidence be obtained as to where Effie M. Hill was born and as to where her mother, Ellen Hayes, lived up to the time of her death.

Attention is called to the fact that Effie M. Hill is an illegitimate child of Peter Blackfish and Ellen Hayes, and if the applicant was born in the Cherokee Nation the case would come under the ruling of the Department in the case of James Hunter et al., and other cases.

Respectfully,



Commissioner in Charge.

Enc. D-7

Cherokee D-1241

Tahlequah, Indian Territory, July 20, 1903.

Kffie M. Hill,

Vinita, Indian Territory.

Dear Madam:

You are hereby notified that, before your application for enrollment as a citizen of the Cherokee Nation will be complete, the Commission will require that further evidence be introduced showing where you were born and where your mother, Ellen Hayes, lived up to the time of her death.

This testimony can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before August 20, 1903. When you appear, please present this letter.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

KFM

Cherokee D-1241

Tahlequah, Indian Territory, July 20, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

Effie M. Hill has this day been notified that, before her application for enrollment as a citizen of the Cherokee Nation will be complete, further evidence should be introduced as to where she was born and as to the residence of her mother, Ellen Hayes, up to the time of her death; and that such testimony can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before August 20, 1903.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MFH

Cherokee  
D 1241

Tahlequah, Indian Territory, December 19, 1903.

D. H. Wilson,

Atty. for Effie M. Hill, et al.,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 14 in regard to the status of the application of Effie M. Hill for the enrollment of herself and child as citizens of the Cherokee Nation of Shawnee blood. You ask if they have been regularly enrolled, and if not, what testimony is desired.

In reply you are advised that Effie M. Hill and her daughter are listed upon a doubtful card. Further testimony is desired in this case showing where the said Effie M. Hill was born, and her residence and the residence of her mother, Ellen Hayes, up to the time of the death of the said Ellen Hayes. The applicant was notified to present this testimony at the Cherokee Land Office of this Commission at Tahlequah on or before August 20, 1903, but failed to do so. You are desired to have her appear and give this testimony at the earliest possible date.

As you request, your name has been entered as attorney for the applicant in this case.

Respectfully,

MR

Commissioner in Charge  
Cherokee Land Office

COPY.

Cherokee D-1241.

Muskogee, Indian Territory, December 2, 1904.

D. H. Wilson, Attorney at Law,  
Vinita, Indian Territory.

Dear sir:

The Commission is in receipt of your letter of November 29th, relative to the application for the enrollment of Effie M. Hill, et al., as citizens by blood of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case, but when the same is done the parties interested will be furnished with a copy thereof.

You are further advised that the Commission requires that applicants for enrollment and their witnesses personally appear before the Commission and submit to an oral examination.

Respectfully,

SIGNED:

*Tams Bixby.*

Chairman.

*867*

COMMISSIONERS:  
TAMM BILBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

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

COPIES IN REPLY TO THE FOLLOWING:  
**Cherokee D-1241.**

*[Handwritten Signature]*  
WM. O. BRALL,  
Secretary

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1905.

Effie M. Hill,  
Kelsoe, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of yourself, et al., as citizens of the Cherokee Nation of Shawnee blood. There has heretofore been furnished your attorney, D. H. Wilson, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

*[Handwritten Signature]*

Chairman.

Incl. 3-68  
Register

Cherokee D-1241.

Muskogee, Indian Territory, June 30, 1908.

D. H. Wilson,

Attorney for Effie M. Hill, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1908, rejecting the application for the enrollment of Effie M. Hill, et al., as citizens of the Cherokee Nation of Shawnee blood. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

(SIGNED) *Tama Bixby*

Chairman.

Incl. B-69  
Register

Cherokee D-1241.

Muskogee, Indian Territory, June 30, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Effie M. Hill, et al., as citizens of the Cherokee Nation of Shawnee blood.

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

Respectfully,

Incl. 3-60

(SIGNED)

*James Bixby*

Chairman.



Cherokee D-1241.

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Effie M. Hill, et al., as citizens of the Cherokee Nation of Shawnee blood, including the Commission's decision dated June 30, 1905, rejecting said application.

Respectfully,

Incl. 8-61

(SIGNED).

*Tamie Bix*

Chairman.

Through the

Commissioner of Indian Affairs.

( COPY )

Land  
51629-1905

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. August 1, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as citizens of Shawnee blood of the Cherokee Nation by Effie M. Hill for herself and her minor child, Clara E. Hill.

June 30, 1905, the Commission decided adversely to the applicants.

The record shows that the applicant is the illegitimate daughter of Ellen Hayes, a white woman and Peter Blackfish, who died prior to September 1, 1902, but the names of whose children claiming through him appear upon the partial roll of citizens of the Cherokee Nation of Shawnee blood, approved by the Department November 14, 1902; that said applicant was born in the State of Missouri, where her mother resided, and that from early infancy she has lived with her maternal grandparents in Missouri until 1901,

when, at the age of eighteen she removed to the Cherokee Nation, where she resided for six months, since which time she has made her home in the Peoria Nation. She is identified on the 1898 Cherokee Shawnee roll and her minor child is identified by proof of birth.

In view of the record and of the act of June 25, 1898 (30 stats., 495) the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee  
Acting Commissioner

M. M. K.  
W.

(Copy of a Copy)

D.C. 52524-1905  
I.T.D. 9746-1905

J.R.W.  
S.V.P.  
W.C.P.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY- GENERAL,  
WASHINGTON.

November 11, 1905.

The secretary of the Interior,

Sir:

I received by reference of September 1, 1905, the papers in the case of Effie M. Hill for enrollment of herself and her minor child, Clara E., as citizens by blood of the Cherokee Nation. My opinion is requested, whether Effie M. Hill is entitled to enrollment.

Effie M. Hill, whose maiden name was Hayes, is the reputed daughter of Peter Blackfish, and enrolled and recognized Shawnee-Cherokee citizen, now deceased, and Ellen Hayes, a white woman, not citizen of the Cherokee Nation. Some contention is made in brief for the applicant that her parents may have been married, but there is no evidence of formal marriage, nor any but very slender and inconclusive evidence of habitual cohabitation between her parents as husband and wife. The parents of Ellen Hayes lived at Seneca, Missouri, and there the applicant was born, about 1863. Council for the applicant argue that as Indian custom permits the husband to "put away" or divorce his wife and take another at pleasure, Ellen and Peter may have been married. Peter, however,

testified before the Commission to the Five Civilized Tribes, September 19, 1900, that he married in 1868 his wife, Mary, and has lived with her as his wife ever since. As neither Cherokee nor Missouri law recognizes plural marriages, this contention seems to be undoubted. Peter also testified that he had lived in the Cherokee Nation for thirty years, except for a period of about six months "about 20 years ago" (1880). when "I had a job of work upon the State line in Missouri." The fair inference is that the applicant is the illegitimate child of the fortuitous concourse of her parents during his temporary absence from the nation and his family. In that testimony he named his children for whose enrollment he applied, and the applicant was not named.

The applicant resided with her mother at Seneca, Missouri until the mother's marriage to a white man, when the applicant was about three years old. She does not know, nor does the record show, her mother's whereabouts, or whether she is living. After her mother's marriage, Effie M. Hayes lived with her maternal grandfather, until her marriage to a white man in 1885. About a year thereafter, 1901, they removed into the Cherokee Nation, remained about six months, and went into the Peoria Nation, where they have lived, awaiting decision of her right to enrollment.

It is testified by L. B. Campbell, of Carthage, Missouri, that Peter Blackfish acknowledged the applicant as his child, and obtained her enrollment on the Dickson Shawnee-Cherokee strip

payment roll with his other children, drew the money due her at the payment \$185.67 and turned it over to him (Campbell) as her guardian, to be used in her education. The name of Ellie M., ten years old, appears as No. 123, of the Dickson roll, as daughter of Peter Blackfish, after others of his children aged twelve, eight, five, and three years respectively, the one five years old being a daughter. Ella M. Campbell also testified to the effect that the grandfather, Hayes, forbade Peter, the father, from coming to the house; that--

Peter Blackfish made several attempts to get her, he wanted to raise her himself, and sent some man over there to get her, and he (Hayes) run them off with a shot gun, and he (Peter) asked me to see that she went to school, and I sent her to school. He acknowledged her hundreds of times to me; come around and ask me about her, see her, and all about it.

Nothing was offered by the nation to rebut or discredit this evidence. I am therefore of opinion that the applicant's account as child of Peter Blackfish, a recognized Cherokee-Shawnee citizen, is satisfactorily and clearly proven. She is identified on the 1896 Cherokee-Shawnee pay roll.

June 30, 1905, the Commission denied her enrollment, basing its decision upon the provision of section 21, of the act of June 24, 1896, (30 Stat., 495), that:

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

The Indian Office recommended approval of that action.

A minor is incapable of choosing a place of abode or making a settlement. The settlement or domicile of a minor is such as is inherited from its parent, or is chosen for it by the parent, guardian, or other person having lawful custody of the child. After death or abandonment by the mother, the lawful custody of an illegitimate child belongs to the putative father. *Pete's Appeal*, 106 Pa., 574 Am. Dec., 540; *Meritz v. Garnhart*, 7 Watts, Pa., 302, 32 Am. Dec. 762; *Dodge County v. Kennitz*, 32 Neb., 238; *Adams v. Adams*, 56 Ga., 236; *Matter of Celina*, 7 La. Ann., 162. After abandonment of the child by its mother on her marriage, the child's lawful custody belonged to Peter Blackfish, her father. It can not affect the right of the child that the father was forcibly excluded from her custody. In view of the law, and within the meaning of the act of Congress, the child had in good faith removed to and settled in the Cherokee Nation, her father being there settled, from the time he asserted his right

to her custody. She was therefore properly enrolled in 1896, which was prior to her reaching full age. Before reaching full age she affected her actual removal to the nation and applied for enrollment. I am therefore of opinion that she is entitled to be enrolled.

Very respectfully,

Frank . Campbell

Assistant Attorney General.

Approved: November 11, 1905 .

E. A Hitchcock,  
Secretary.



D. C. 52524-1905

( C O P Y )

Y P  
THE

I.T.D. 9746-1905,  
18138--

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 17, 1905.

LRS

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

Sir:

There is inclosed a copy of the approved opinion of the Assistant Attorney General of November 11, 1905, in the Cherokee enrollment-case (D-1241), of Effie M. Hill and her minor child Clara E. Hill.

In accordance with such opinion, in favor of Effie M. Hill, the decision of the Commission to the Five Civilized Tribes of June 30, 1905, adverse to both applicants, is hereby reversed, and you are authorized to enroll the applicants.

A copy of Indian Office letter of August 1, 1905, in the matter, is also inclosed.

Respectfully,

(Signed) THOS RYAN  
First Assistant Secretary

2 inclosures.

REFER IN REPLY TO THE FOLLOWING:  
Cherokee D-1241.

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

Muskogee, Indian Territory, November 25, 1905.

Effie M. Hill,

Kelsoe, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of yourself and minor child, Clora E. Hill, as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on November 17, 1905, and this office authorized to enroll you and your said minor child.

You are further advised that you will not be permitted to make allotment selections in the Cherokee Nation for yourself and child until your names have 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,

*Geo. R. Rodgers*  
Acting Commissioner,

LS

Cherokee D-1241.

COPY.

Muskogee, Indian Territory, November 25, 1905.

D. H. Wilson,  
Attorney for Effie M. Hill, et al.,  
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Effie M. and Clara E. Hill as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on November 17, 1905, and this office authorized to enroll said applicants.

For your information, there is inclosed herewith a copy of Departmental decision above referred to.

Respectfully,

RECEIVED

Incl. S-182

*W. D. Rodgers*  
Acting Commissioner.

Cherokee D-1241.

COPY

Muskogee, Indian Territory, November 25, 1905.

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Effie M. and Clara E. Hill as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on November 17, 1905, and this office authorized to enroll said applicants.

For your information, there is inclosed herewith a copy of Departmental decision above referred to.

Respectfully,

SIGNED:

*Geo. V. Rodgers*  
Acting Commissioner.

Incl. S-183

MUSKOGEE, MS

H. B. D. V

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOCOE, IND. TER.



Return to writer

- enclosed -

~~Muskoe, Ind. Ter.~~

Muskoe, Ind. Ter. # 4-

Muskoe, Indian Territory.

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~~U.S. DEPARTMENT OF THE INTERIOR~~

To: ~~KAINCE, Indian Territory.~~  
Ford  
Havita

Department of the Interior

Commissioner of Indian Affairs

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for postage, \$300.







Department of the Interior.

Comptroller of the Public Lands.

MUSKOCHEE, IND. TER.

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Cherokee Division

Muskogee.

1850



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Catherine King

Trans. from D513

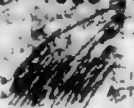
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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
OCT 8 1890



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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES'  
VINITA, I.T., OCTOBER 4, 1900.

In the matter of the application of Catherine King for enrollment as a citizen of the Cherokee nation, said King being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Catherine King.  
Q Your age? A 46.  
Q What is your postoffice address? A Klaus.  
Q What district do you live in? A Delaware.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes.  
Q Whom do you want to enroll? A Myself. I was not here in '80; I was out, was out in '96.  
Q Where did you live in '80? A In Kansas. Me and my husband parted and I tried to make a living here awhile and could not get along and moved to Kansas to my people to get them to help me support my child.  
Q How long have you lived in Kansas? A 2 or 3 years. Brought my son back and left him and he could not get along here alone and I came back.  
Q When did you come back the last time? A In '96.  
Q Been living here ever since? A Yes.

By W. W. Hastings, Cherokee Attorney:

- Q What year did you leave here in? A 78 or 79.  
Q You went back to Kansas? A Yes, to my folks.  
Q You lived in Kansas how long? A About 2 years and I brought my son and came back.  
Q How long did you stay here when you came back? A Only a short time, two or three months.  
Q Then went back? A Yes.  
Q How long did you leave here then? A I was gone four or five years.  
Q You never had lived here until '96? A Yes, from the time I came down here.  
Q After you left here in '78 or '79 you never lived here until '96? A After you stayed in Kansas you went to Texas? A Yes.  
Q And lived in Texas a long time? A Yes.  
Q Have you ever married since? A Yes, my husband, I thought he was divorced and I got married.  
Q Whom did you marry? A A white man by the name of William Price.  
Q When? A About 10 years ago.  
Q And you lived with him in Texas for six years? A Not for six years.  
Q Where is he now? A Dead.  
Q You lived with him until he died? A Yes, I have been here going on seven years-- back here.  
Q You lived with that white man until he died and held him out as your husband? A Yes.

Applicant on Cherokee-Shawnee pay-roll of '96, page 25, number 499, as Katherine King.

- Q What was your father's name? A William Peckover.  
Q Is he living? A No sir.  
Q What is your mother's name? A Mary Ellen.  
Q Is she living? A No sir.  
Q She was a Shawnee? A No sir, white woman.  
Q Father Shawnee? A No sir, white man.  
Q And you are a white woman? A Yes. I came here as an adopted Shawnee. My first husband was a Shawnee.  
Q What was his name? A James William King.  
Q When did he die? A He is living.  
Q You afterwards married a white man? A Yes.  
Q Did you get a divorce from King? A No sir, he married and I

thought he was divorced and I came back here and found out he never was divorced.

Q You lived with your husband? A Yes.

Q Lived with him after you came back here until he died? A yes.

The name of Catherine King is found upon the Shawnee-Cherokee pay-roll of '96, but is it not found upon any other roll. Consequently final judgment in her case will be suspended and her name will be placed upon a doubtful card.

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.

*C. H. ...*

Commissioner.

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

**FILED**  
OCT 4 1900

*[Signature]*  
ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

Date Oct 4 - 1900

1900.

Name

Klaus D.S.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Esther King

District

Cherokee

Year 1896

Page 75

No. 441

Citizen by blood

Mother's citizenship

Intermarried citizen

Cherokee - by first husband

Married under what law

Date of marriage

License

Certificate

Names of Children:

[Handwritten signature]

Dist.

Year

Page

No.

Age

Dist.

Year

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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.

Winita x 1 Oct 29 1901

Received of the Commission to the Five Civilized Tribes one  
copy of the testimony in the matter of the application of  
Mathewie Riley for enrollment as  
citizens of the Cherokee Nation.

No. 10513

S. A. Tolover

Riley for affiant.

Supl.-C.D.#513.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
CATHERINE KING as a citizen of the Cherokee Nation:

The applicant and her attorney, S. S. Clover, Vinita, Indian Territory, were notified by registered letter February 12, 1902, that the application of Catherine King would be taken up for final consideration by the Commission on the 28th day of February, 1902, and that they would on said day be given an opportunity to introduce any further testimony affecting her application. The case has this day been called, to-wit; the 28th day of February, 1902, and the applicant failing to respond either in person or by attorney, it is directed that the same be closed and reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.



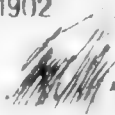
J.O.R.

Commissioner.

153  
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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED  
APR 24 1902

 ACTING CHAIRMAN

BEFORE THE COMMISSION TO THE )  
 ) SS.  
FIVE CIVILIZED TRIBES. )

Cherokee--D-513, )  
 )  
Catherine King, Cherokee-Shawnee. )

MOTION TO RE-HEAR.

Comes Catherine King, claimant in the above entitled cause, by her attorney, S. S. Clover, and moves the Hon. Dawes Commission to the Five Civilized Tribes, sitting at Muskogee, to re-open this cause, that it may be reviewed and heard again, and for the grounds of same, assign the following reasons:

I.

This claimant was notified by Your Honorable body to appear before you on the 28th day of February, 1902; but was not enabled to be in attendance for the reason that her attorney, S. S. Clover was absent from Vinita, was not aware of such notice.

II.

That she was unable to procure the necessary witnesses, because of her financial condition, having no money or means to procure money to defray her expenses and that of her witnesses for transportation to Muskogee.

III.

And for the further reason that she was sick with Neuralgia and Rheumatism on the 28th day of February, 1902; and for this reason could not have been in attendance.

IV.

Applicant expects to prove that she was legally and lawfully married in the State of Kansas, to James King, Sr., on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, according to the laws, usages and customs of the Shawnee Tribe of Indians, which were recognized by the Kansas Courts.

V.

She expects to prove that she became a member of the Shawnee Tribe of Indians, according to their laws, usages and customs, in the State of Kansas, prior to June 10, 1871.

VI.

That she and her husband became members of the Cherokee Tribe of Indians under Article 15, Treaty of July 19th, 1866. And they are both upon the Cherokee-Shawnee Register Roll, of June 10th, 1871, as follows:

"James King, 464,  
"Katherine King, 465. "

VII.

She expects to prove that she is upon the Cherokee-Shawnee Roll, as made by James G. Dickson, No. 471, Catherine King, aged 42 years. And that she is upon the Cherokee-Shawnee Roll, as made under an Act of the Cherokee National Council, by Approved March 30th, 1896.

VIII.

She further states that this motion is made not for the purpose of delay, but for the sole purpose that the rights of this applicant may be established, and that justice be done. And ask that the Honorable Commission set as early a date as possible when the hearing can be had.

*S. S. Glover*

---

Attorney for claimant.

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1944

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I.T., May 15, 1902.

In the matter of the application of Catherine King for enrollment as a Cherokee citizen.

SUPPLEMENTAL TO D-513.

Applicant appears by S. S. Clover, Vinita, Indian Territory.  
Cherokee Nation represented by J. C. Starr.

COMMISSION: On the 24th day of April, 1902, there was received by the Commission a motion to reopen the case of Catherine King, a claimant to citizenship in the Cherokee Nation, and the same having been set for this day, to wit the 15th day of May, 1902, the following proceedings were had.

THOMAS DAUGHERTY, being first duly sworn, testified as follows:

MR. CLOVER: Please state your name? A Thomas Daugherty.

Q Age? A 52.

Q Postoffice? A Vinita.

Q What position do you hold, Mr. Daugherty, in charge of the Cherokee-Shawnees? A Member of the Shawnee Business Committee.

Q Are you acquainted with the members of the Cherokee-Shawnees who came to the Cherokee Nation? A Yes, sir.

Q Are you acquainted with a woman named Catherine King, who was or purported to be the wife of James King? A Yes, sir.

Q Was she married to this James King or do you know? A Yes, sir, she was.

Q By James King did she have any children? A One that I know of.

Q What was the name of that child? A I think his name was James.

Q James Jr. you mean, do you? A Yes, sir, James Jr.

Q Now after you have studied very carefully, do you know of the matter of facts in regard to the marriages, divorces, deaths, births, and adoptions of the Shawnee tribe of Indians while they remained there in Kansas? A Yes, sir, as far as I know.

Q What constituted marriage between man and wife, whether he was a Shawnee or was a member of some other Indian tribe or foreign nation? A I don't catch the question at all.

Q Oh maybe I can put it this way: for instance, a man married a Shawnee citizen of the Shawnee tribe of Indians, was that marriage considered adopting him into the Nation? A No, sir.

Q Now if a person, a white man and woman, a foreigner or citizen of any other tribe married into the Shawnee tribe of Indians while they was up there in Kansas did that make them a citizen with all the rights, privileges, and immunities of a native Shawnee so that they had all the rights of inheritance and the rights to inherit tribal property? A No, sir.

Q Then how did that member of the Shawnee Tribe of Indians or that person who intermarried become a member of the tribe? A By the Shawnee Council, and she was adopted.

Q Well supposing those Shawnee tribe of Chiefs or authorities of the tribe refused to adopt them in, could he inherit his own wife's property? A No, sir.

Q Could he inherit his own child's property? A No.

Q Then he was outside of the tribe? A Yes, sir.

Q Then if the tribe adopted him I want to ask you what could he inherit, what rights he had? A How was that?

Q If he was adopted by the chiefs and council what rights could he inherit or what rights had he in the tribe? A Same as any Shawnee by blood.

Q Was there any law of the Shawnee Tribe of Indians that you know of or any custom that make marriage a legal point of admission into the Nation without adoption by the chiefs and council? A No, sir.

Q Now after a person's been adopted into the council I want to ask you again about that, what had they, the same rights? or what - just what they had, rights they had? A Same as any Shawnee.

Q And their children what? A Same as the Shawnees.

Q And their wives and children and everything? A Yes, sir.

Q Have you any law that you know of or you have read the books I presume of the Shawnee chiefs and councils, and do you know of any law, usage or custom that because a person was married into the tribe that they become a member of the tribe? A No, sir.

Q Then again do you know of any law, usage or custom of the Shawnee tribe of Indians that cut out a man, woman, child, or anybody else that ain't adopted? A No, sir.

**COMMISSIONER:** When did you first learn to know this woman? A Well I didn't know much about this woman until I came to the Cherokee Nation.

Q When did she come to the Cherokee Nation? A I think along about '71.

Q Where has she been living since that time? A Lived up in Kansas.

Q Been living in Kansas? A Yes, sir.

Q How long did she remain in the Cherokee Nation after she came here in '71? A That I don't know.

Q Do you know when she went back to Kansas? A No, I don't know that.

Q Is she living in Kansas now? A No, I think not.

Q How long has she been here in the Cherokee Nation the last time?

A I don't know how long she has been here.

Q About how long? A Well I don't have any idea at all.

Q Are you intimately acquainted with her? A Oh not so very intimately acquainted; I know her when I see her.

Q When was the last time you saw her? A I saw her about a couple of weeks ago.

Q Where was she living then? A She lives out southeast of Vinita somewhere.

Q Do you know how long she's been living there? A No, I don't.

Q Have you any idea when she came back to the Cherokee Nation after she lived here in '71; have you any idea at all when she came back?

A No.

Q You don't know how long she remained after she came in '71? A No, I don't know exactly.

Q What was this woman's husband's name, do you know? A James King.

It appears from the register of Shawnees who removed to and located in the Cherokee Nation in the year 1871 that the name of Catherine King is found opposite No. 465 on the said register.

**MR. STARR:** When did you first become acquainted with Catherine King? A Well let me see, it was the first time I saw her I think it was about - I couldn't say exactly, somewhere along in the 70's.

Q Where was she when you saw her? A Why I think I saw her the first time that I ever saw her was at Thompson's store on the military road.

Q That in the Cherokee Nation? A Cherokee Nation, Delaware District.

Q Where was she married? A I think she was married in Kansas, I don't know positive.

Q Were you present at the wedding? A No, sir.

Q Do you know how long she lived in Texas? A No, I don't know that.

Q Do you know how long she lived in the Cherokee Nation the last time she returned? A No, I don't know when she came.

**JOHNSON BLACKFEATHER**, being first duly sworn, testified through sworn interpreter Thomas Daugherty, as follows:

**MR. CLOYER:** What is your name? A Johnson Blackfeather.



Q What is your age? A 64.

Q What is your postoffice? A Postoffice Vinita.

Q Are you a Shawnee Indian by blood and birth? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A Ever since 170.

Q Did you know a James King, a Shawnee Indian, who was upon the register roll of 1871, and to whom when you first knew him down in the Nation was he married? A This woman Catherine King.

Q Was there some family disturbance between them? A Yes, sir.

Q Do you know, you have been a citizen for a long while and everything of the kind and living down in the neighborhood; do you know of James King and Catherine King having a divorce suit? A Didn't know.

Q Do you recollect of one thing, that whether Catherine King had any son by James King, Sr., the old man James, any child or any children? A Yes, sir, he knows.

Q Now what was the name of that child? A Same name, James King.

Q James King Jr.; now do you know where this wife, Catherine King, went to in 1872 or 1873 or any other year all clean up to the present time, and if she went any other place what time she come back? A Yes, sir, he knows.

Q Some quarrel or controversy occurred between her and her husband and she left home, is that true or not? A Yes, sir.

Q Well at the time that she left him did she take her little child, James King Jr.? A Yes, sir.

Q And after she had taken James King Jr. and ran away did she come back and give that child to James King's Jr. grandmother? A Well he said the child was there anyhow; didn't know anything about the giving part.

Q Now did you see and know of James King, Sr., and this Catherine King living together as man and wife or know of the fact or did they acknowledge to you that fact? A Seen them together as man and wife.

Q Well now I want to ask you what constitutes marriage between two members of the Shawnee tribe of Indians which took place up in the State of Kansas? A Well he says that they mutually agreed to live together and be known as man and wife.

Q Then what constitutes a marriage between a Shawnee Indian and a citizen of the United States or any foreign country or any other Indian Tribe, don't care what that is, between two members, you know, persons of the Shawnee tribe of Indians and a citizen of the United States or a Dutchman or a foreigner as the body says?

MR. STARR: The representatives of the Cherokee Nation object to the question for the reason that the attorney for the applicant has not shown that the witness is acquainted with the laws of Kansas that apply to this subject.

MR. CLOVER: Wait a minute; I will just state right there -

COMMISSIONER: All right, go ahead.

MR. CLOVER: Mr. Blackfeather, you have had experience and lived in Kansas and know about the laws, usages and customs of the Shawnee Tribe of Indians?

MR. STARR: Objected to because the question is leading.

COMMISSIONER: Answer the question.

MR. CLOVER: Do you know whether they was married according to the laws, usages and customs of the Shawnee tribe of Indians or according to any law, or did they acknowledge themselves to be married as husband and wife on any occasion or at any place or anything of the kind?

MR. STARR: Objected to because the question is leading.

COMMISSIONER: Answer the question.

A He says he really don't know how they was married, but he knowed them to be living as man and wife, had one child.

COMMISSIONER: Was he present when they were married or when they agreed to live together? A No.

Q Did he ever see them living together as man and wife? A He said

when they first come to the country he had a little house near him on his place; they lived there and they lived in the same house and had this child with them all the time, and lived together.

Q Was that in Kansas? A That was here in the Cherokee Nation.

Q Did he know them to live together as man and wife in the State of Kansas? A Yes, sir.

Q Were they generally recognized in the community as man and wife?

A Yes, sir, said they lived with Jim King's mother.

Q How long did they continue to live together? A He said from '88 or '9 they were living together and came down to the Cherokee Nation; they lived together in the Cherokee Nation about four years.

COMMISSION: It appears from the Shawnee Register that the name of James King appears opposite No. 464, and that the name of Catherine King appears opposite No. 465.

MR. CLOVER: Now Mr. Blackfeather, you have been a councilman before they come down here as I understand, and I understand also that of course you was chief, and that you was the chief of the Shawnees who commenced the suit against the Cherokee Nation, what time, about '89 or '90? Well, set the dates, it's in an act of Congress; was you the same party plaintiff between yourself and the chief of the Cherokee Nation? A Yes, sir.

Q Was that suit carried up to the Supreme Court of the United States? or what was done with it? A Didn't go to the Supreme Court.

COMMISSION: Does he know anything about the cause of this separation between the applicant and her husband, James King?

A He said he kind of hates to tell it; if it's necessary he will.

Q What is it; tell him to let us know whatever he knows about the separation, what the cause of it was? A He said that her husband - what separated them was her husband got a disease from his wife, and he thought that the woman must have been doing something outside or he wouldn't have had that.

Q Well did they go to live together again after the separation?

A No.

MR. CLOVER: Was there any divorce made by any Cherokee or United States Court or anything else between these two persons as far as he knows? A Not that he knows of.

MR. STARR: How long have you known Catherine King? A About '68 or '9.

Q Where did he first become acquainted with her? A In Kansas.

Q How far did he live from her in Kansas? A He said that he lived about ten miles, but at one time he lived right close to them, he said they moved from there and where he lived when he left there was about ten miles.

Q Are you acquainted with the laws and customs of the State of Kansas in a case where an Indian marries a white woman? A Yes, sir.

Q Are they required to secure a marriage license? A Indians?

Q No, Indians and whites? A Huh?

Q White woman marrying an Indian man? A He says it required a marriage, there is a law there in Kansas for white people up there, but there was Indians they just took up and agreed, that's the custom. You said law and custom didn't you?

Q I mean where a citizen of the State of Kansas marries an Indian are they required to obtain a license from the State of Kansas?

A Why he said in cases there was marriages according to the law there, law of Kansas.

Q Well how far did he live from Catherine King when she located in the Cherokee Nation? A He said as he stated before that they lived on his place when they first come to the country, about a quarter or a mile from him; that he had a house, and they lived there two years in that house.

Q And then where did they go to? A He said they went kind of northeast, if you know the country, lives where Marker lives in there, John T.

Q How long did they live there? A About two years.  
Q Well where did she go to then? A That's where they separated, he said she went to Texas from there.  
Q Where did James King go to? A You mean Senior?  
Q Yes, sir, the husband of Catherine King? A He lives at the same place.  
Q He continued to live at the same place and she went to Texas? A Yes, sir.  
Q How long was she gone to Texas? A He said he couldn't exactly state how long she was gone to Texas.  
Q Well how long did James King, Sr., continue to live at this place where she left him? A He lived there about one year after she left.  
Q Where did he go then? A Why he went over to where his mother lived; that would be a little south, pretty near east from where Blackfeather lives now.  
Q Ask him if he doesn't know that Catherine King lived in Texas from '87 until '94? A Why he says he didn't exactly know what year she went away, but he thinks that she did return in '94.  
Q Did she marry a white man when she went to Texas? A Yes, sir.  
**COMMISSION:** How does he know she married a white man? A Why he said he saw this man with this woman; they came to his house inquiring for James King.  
**MR. CLOVER:** Did you know whether he was a white man or not? A He looked like a white man he said, everybody said he was a white man.

S. S. CLOVER, being first duly sworn, testified as follows:

**COMMISSION:** All right, state your name, age and postoffice address? A Well I am over 49 years old, and my name is S. S. Clover, and I am a resident of Vinita, Indian Territory.  
Q You desire to make a statement relative to the application of Catherine King? A Yes, sir.  
Q Proceed. A I desire to state that I never knew Catherine King or anything about her until her husband, James King, came before me in '89 when I was clerk for John W. Wallace, and he swore that he was not divorced against his wife, and give the history that James King, Jr. was his son, and she was the legal wife, and I refer exactly to the records that was put in there before the Dawes - or before the Secretary of the Interior on the Wallace Roll, and he was so registered. I never seen the woman at all till about '84. I know the time that I seen her the next time was at Afton and that she signed the pay-roll there on the Dixon Roll and drew money.  
Q You state you never saw this woman prior to 1884? A Before 1884 I didn't.  
Q How long did you continue to know her after that time? A Up to the present day.  
Q Where was she living in 1884? A Same place down towards Ketchum - what's that other place down there?  
Q What Nation was that in? A Cherokee Nation.  
Q When did you next see her, what year? A 1886.  
Q Where was she residing at that time? A Down there.  
Q When did you see her the next time? A Seen her two years ago.  
Q Do you know where she was residing from '86 up until two years ago?  
A I do not, she was there in '86 because I know that she was at Afton and know that she was paid and know that I seen her draw the pay.

**MR. CLOVER:** 23 Kansas, Page 572:

John D. Brown et al vs. Boston Steels et al.  
Shawnee Law of Descent.

Nancy Bluejacket, alias Wak-na-se, was a reservee and

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patented under the treaty with the Shawnee Indians of May 10, 1854. She occupied the land patented to her in Wyandotte County until her death in 1876. She was never married, and her nearest blood relations at the time of her death were the plaintiffs, children of a deceased sister, and Mary Rogers, under whom the defendants claim, the daughter of a deceased brother. By the Kansas law of descents, plaintiffs and defendants would share equally in the property; but by the Shawnee law, as the father of the plaintiffs was a Wyandotte, while both parents of Mary Rogers were Shawnees, the latter inherited the whole to the exclusion of the plaintiffs. Her right to be so enrolled was also affirmed by a decision of the Shawnee Council. Held, that it appearing that the tribal organization was still recognized by the political department of the United States Government, under the decision of the Supreme Court of the United States in the case of the Kansas Indians, 5 Wall. 737, the descent is cast, not under the Kansas law, but in accordance with the Shawnee law and decisions.\*

MR. CLOVER: I also desire to present the syllabi of the Supreme Court of the State of Kansas; it's in Volume 46, Page 1.

\*John J. O. Bryan et al vs. Thomas Bugbee et al.

First: Ejectment. Title of Claimant. In an action in the nature of an ejectment the ~~the~~ plaintiff must rely upon the strength of his own title and not upon the weakness of the title of the defendant who is in the actual possession of the real-estate.

Second. Indian Title. Descent of Real-estate. In 1860 under the tribal organization of the Shawnee Indians the descent of real-estate was cast in accordance with the custom and decision of that tribe.

Third. Evidence. Custom of Tribe. Where plaintiff relies upon title to real-estate alleged to be cast by descent upon his grantor in accordance with the custom and decision of an Indian tribe, he must establish the custom or decision of the tribe as to descent or distribution at the time of the death of the former owner from whom he claims his grantor inherited the property.

Fourth: Possession of Indian Lands. Ejectments, not maintained. Where plaintiff brings his action in the nature of an ejectment against the defendant in the actual possession of Indian land, properly patented to a member of the Shawnee tribe (now deceased) under the provision of the treaty between the United States and the Shawnee Indians, concluded on the 10th day of May, 1854, and the act of Congress of March 3, 1859, and such defendant claims color of title and possession under a deed from the chiefs of the tribe, approved by the Secretary of the Interior, the prior possession of such Indian land by the plaintiff is not sufficient for him to recover upon as against such a defendant, if such plaintiff fails to show any title or other possession on his part.\*

THOMAS DAUGHERTY, recalled:

COMMISSIONER: Were you acquainted with James King when he lived in the State of Kansas? A Yes, sir.

Q Were you acquainted with Catherine King? A No, sir.

Q When did you first learn to know her? A I think in this country, in the Cherokee Nation I think.

Q With whom was she living when you learned to know her? A Why I think that I saw her as I said at that store before that at

Thompson's store on the military road about two miles southeast of Blackfeather's.

Q Do you know who she was living with at that time? A She was living with Jim King.

Q Do you know that of your own knowledge? A Yes, sir.

Q Did you ever see them living together as man and wife? A No, I see them together.

Q Did James King recognize her as his wife? A Yes, sir.

Q Were they generally spoken of throughout the community as man and wife? A Yes, sir.

MR. STARR: Where were they living when they separated? A Why I don't know anything about the separation, don't know where they lived then.

Q Do you know where James King was living when he died? A He never died.

Q He is there yet? A Yes, sir, he's living ~~there~~ yet.

Q Do you know anything about her going to Texas? A Only by hearsay.

Q Do you know anything about her going to Kansas? A No.

Q You haven't seen her right along from the time she came to the Cherokee Nation up until this time, have you? A No, that's the only time that I remember, I seen her there when she come to the Cherokee Nation; when she left I don't know, no, sir.

Q Well you have just seen her a few times since '71? A Yes, sir.

MR. CLOVER: You knew her there in '78? A '76?

Q Yes. A Not '78.

Q No. I mean '96. A At Afton once.

COMMISSION: The attorney for the applicant will be granted fifteen days from the date hereof in which to file a brief, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*Arthur G. Croninger*

Subscribed and sworn to before me this 18th day of May, 1902.

*J. P. Reeder*  
Notary Public.

MISSOURI THE FIVE CIVIL RIGHTS  
**FILED**  
JUL 12 1962

*Handwritten signature*

DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes

Muskogee I? P. June 12, 1902.

In the matter of the applications of  
Catherine King Cherokee D. 513.

James W. King et al Cherokee D 510.

for enrollment as citizens of the Cherokee nation.

Brief in part of the Cherokee Nation.

The testimony in these cases show that Catherine King is a white woman, and that she came to the Cherokee nation as the wife of James W. King Sr., in 1871 and because of her marriage to James W. King Sr., she is enrolled with the Shannoes who came to the Cherokee Nation at that time. Her son who is listed for enrollment on Cherokee Doubtful card number 510 claims to have been born a short time after their arrival in the Cherokee Nation in July 1871. In both of these cases the evidence with reference to residence is quite unsatisfactory; they claim to have lived here some five or six years and to have left the Cherokee Nation in 1876 or 1879 and went to Kansas where they remained a short time and came back through the Cherokee Nation and stopped temporarily; we next find them in the state of Texas. These two cases are briefed together because the testimony should be read together in order to see how much effort has been made to conceal the facts with reference to residence. Neither of their names appear upon the roll of 1880, both being absent at that time. Catherine King married a white man in the state of Texas and lived with him there as his wife and presumably her son must have lived with her in the state of Texas until the death of her second husband, she having separated from her first husband but a short time after their arrival in the Cherokee Nation. Her second husband was evidently a citizen of the state of Texas because he was never a citizen and resident of the Cherokee Nation and if he were a citizen of the state of Texas her citizenship became that of her husband and the citizenship of her son who was a minor at that time necessarily became that of his mother. We therefore conclude that they were all citizens of the state of Texas and if this inference be correct the very moment they became citizens of the

state of Texas they lost their citizenship in the Cherokee Nation because they could not be citizens of both governments at one and the same time. It is further in the evidence that Catherine King never lived in the Cherokee Nation from 1878 or 1879 until 1896; which was after the death of her second husband and it is also in evidence that her son James W. King married in the State of Texas where two of his children were born and we do not find him in the Cherokee Nation from 1878 until 1896 with the possible exception of a short time in 1890 or 1891 when he was here temporarily.

There are a number of contentions in this case, the first being that Catherine King is a white woman, she forfeited her citizenship in the Cherokee Nation by her marriage to her second husband a white man.

The next contention that we desire to specially urge is that these people resided without the limits of the Cherokee Nation for a period of about eighteen years from 1878 until 1896 and we again remark that the testimony taken in both cases should be read together in order to more fully understand the movements of both. Both were married in the state of Texas, the husband of the first died there and the second had two children born there. The first must have become a citizen of the State of Texas because her husband was a citizen of that state. The second must have become a citizen of the state of Texas because he was a minor when he went there and his mother was a citizen of that state.

We do not believe the rolls of the Cherokee Nation should be too lightly set aside. The names of neither of these two parties appear upon the authenticated roll of 1860; they were not here at that time. Their names should not appear upon that roll and we insist that these people should have been readmitted to citizenship in the Cherokee Nation just as it would have been necessary for Cherokees by blood to have been readmitted after an absence for that period.

For these reasons we submit that neither are entitled to enrollment as citizens of the Cherokee Nation.

Respectfully submitted,

*W. W. Hastings, Jr.*

Attorney for the Cherokee Nation.



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THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
I, the undersigned, a Notary Public in and for the State of California, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the County of San Francisco, California, in and to which said original is duly recorded.

NOTARY PUBLIC

NOTARY PUBLIC  
JAMES C. [Signature]

Attest my hand and seal of office, this 1st day of [Month], 19[Year].  
Notary Public in and for the State of California.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office, this 1st day of [Month], 19[Year].  
Notary Public in and for the State of California.

WITNESSES my hand and seal of office, this 1st day of [Month], 19[Year].  
Notary Public in and for the State of California.

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, October 31st, 1902.

In the matter of the application of Catherine King for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-513.

Cherokee Nation appears by W. W. Hastings.

The Applicant, being duly sworn, testified as follows:--

Examination by the Commission.

- Q. What is your name, please? A. My name is Johnson now.  
Q. What is your first name? A. Kittie.  
Q. Is your first name Catherine? A. Yes, sir.  
Q. How old are you, Mrs. Johnson? A. 48 this last October.  
Q. What is your post office? A. Ketchum.  
Q. What is the name of your Cherokee husband? A. James King.  
He was Shawnee.  
Q. He was a Cherokee citizen of Shawnee blood, was he?  
A. Well, when I married him he was a Shawnee up in Kansas. I married him in Kansas.  
Q. Did you come from Kansas with him at the time the Shawnees came?  
A. Yes, sir.  
Q. Does your name appear upon the register of those Shawnees who came to the Territory? A. Yes, sir; I was admitted by the Shawnee council.  
Q. In Kansas, were you admitted? A. I don't know whether it was Kansas or here. I have proved that here.  
Q. Is your husband King living? A. Yes, sir.  
Q. Were you married before you were married to Mr. King?  
A. No, sir.  
Q. He is your first husband? A. Yes, sir.  
Q. Was he ever married before you were married to him?  
A. No, sir.  
Q. You are his first wife? A. Yes, sir.  
Q. How long did you live with Mr. King after your marriage?  
A. I couldn't tell you just exactly. We lived together---we had three children.  
Q. How long have you been separated? A. I couldn't tell you.  
Q. About how long; how many years? A. Well, sir; I just couldn't tell you. My oldest son is--well, he was born in '71. He was about 7 or 8.  
Q. You have been separated from Mr. King about 20 years, or over?  
A. I expect so.  
Q. Were you ever divorced from Mr. King? A. No, sir; never was.  
Q. You say your name is Johnson now? A. Well, he married first, then I married, and neither one of us had a divorce.  
Q. What is your present husband, Johnson's name?  
A. William Johnson.  
Q. Is he a white man or Cherokee? A. Well, he is a Cherokee but he failed to prove his right by not coming in here, or something. He is a Cherokee by blood.  
Q. Are you and Johnson living together now? A. Yes, sir.  
Q. When were you and Johnson married? A. A year ago last April.  
Q. How long have you lived in the Cherokee Nation, Mrs. Johnson, or King? A. I have lived here off and on ever since I was 16 or 17, but I been out and in.

Q. How much of the time have you been out and how much of the time in? A. I expect about half.

Q. I believe you come here first in 1870 or 1871 with your husband when the other Shawnees came? A. Yes, sir; and I have always been with them.

Q. When you came here first how long did you stay in the Territory? A. I stayed there until all the children was born; until my oldest child was about 7 or 8 years old.

Q. Stayed in the Territory 7 or 8 years? A. Yes, sir.

Q. Then where did you go? A. I took the children and went to my mother's in Chetopa.

Q. Chetopa, Kansas? A. Yes, sir.

Q. How long did you stay there? A. I couldn't tell you.

Q. Were you there as much as a year or more? A. I just can't remember.

Q. When you left Chetopa where did you go to? A. I come back to Vinita. I stayed there--my brother was on the section up there. I cooked for the section. I think it was section 66.

Q. How long did you stay in the Cherokee Nation before you went out? A. 6 or 7 months; but then we lived on the line of the coal bank on Russell Creek. I went with my brother.

Q. The coal banks, is that in the Cherokee Nation or Kansas? A. Yes, sir; it is on Russell Creek.

Q. How long before you went to Kansas again? A. It is hard for me to tell all my whereabouts.

Q. How long have you been in the Cherokee Nation this last time? A. Seven years last December.

Q. Where did you come from? A. I come from Texas.

Q. How long had you been in Texas? A. I had been there about 6 or 7 years; but I made two trips here.

Q. You had been in Texas 6 or 7 years? A. Since I was here to live. I left my little boy here and they sent for me to come back and take him.

Examination by Mr. Hastings.

Q. Where were you and John married? A. In Vinita.

Q. Who married you? A. A preacher down on Big Creek.

Q. Your husband went to town and get a license? A. Yes, sir.

Q. Have you lived with him ever since? A. Yes, sir.

Q. And are now? A. Yes, sir.

Q. He is not a recognized citizen of the Cherokee Nation? A. No, sir.

Q. He is a citizen of the United States? A. I suppose so.

Q. You are a white woman yourself? A. Yes, sir. I come with the Shawnees.

Q. But, I say, you are a white woman? 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 10th day of December, 1902.

*Jesse O. Carr*  
*H. B. Renter*  
 Notary Public.

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

COMM ...  
DEC 12 1902

CHAIRMAN  
...

(Catherine King, D-513.)

October 31st, 1902.

The applicant, being recalled, testified as follows:

Examination by the Commission.

- Q. Your name is Catherine King? A. That is the way it is there. That isn't it now.
- Q. Well, Catherine Johnson? A. Yes, sir.
- Q. It was King? A. Yes, sir.
- Q. Your post office is Ketchum? A. Yes, sir.
- Q. You came to the Cherokee Nation with the Shawnees?
- A. Yes, sir; I came to the Cherokee Nation with the Shawnees.
- Q. You are a white woman yourself? A. Yes, sir. I was married up there when I was married. Why I was married to a Shawnee. His father was a chief. His father was the one to help get the treaty for this land. He said that they had paid me just as much for my right as the right of any one. He wrote for me to come down here. He come ahead of me. He wrote for me to come down, I had as much right as he did; they paid just as much for my right as for his.
- Q. When did you come down here? A. Why, I think it was in '70. When the Shawnees come. I can't remember. It was when the Shawnees come.
- Q. How long did you stay here when you come in '70? A. Oh, I stayed there 7 or 8 years.
- Q. 7 or 8 years? A. Yes, sir.
- Q. When where did you go? A. Why, I went up in Kansas.
- Q. How long did you stay in Kansas? A. Just a short time that time at my mothers.
- Q. Where was that? A. Columbus.
- Q. Where did you go to when you come back? A. Come back to Vinita.
- Q. How long did you stay there that time? A. Well, I stayed there off and on for a year or more.
- Q. When where did you go? A. Went to Kansas.
- Q. What place? A. Chetopa.
- Q. How long did you stay there? A. I stayed there two or three months.
- Q. Then where did you go? A. Back to Vinita. My brother was working on the section--67 or 76.
- Q. How long did you stay there? A. I don't know how long I stayed there. I stayed there and cook for my brother two or three months.
- Q. Then where did you go? A. Went to the coal banks.
- Q. Which side of the line? A. This side.
- Q. Then where did you go? A. I went to Chetopa.
- Q. How long did you remain in Kansas that time? A. I don't know; 5 or 6 months I guess. From there I went to Colorado.
- Q. How long did you stay in Colorado? A. I guess I stayed there about 18 months.
- Q. When where did you go? A. Then I come back to the Nation. I brought my boy back to the nation.
- Q. How long did you stay at that time? A. 2 or 3 weeks. Then I went to New Mexico.
- Q. How long did you stay there? A. I can't tell you.
- Q. Well, your best judgment. A. I can't remember.
- Q. 10 years? A. No, sir; it wasn't 10 years.
- Q. Five? A. No, it wasn't five years. I think about two years.

Q. When where did you go? A. Went to Texas and then come back here.

Q. When did you come back here? A. Seven years last December.

Q. With the exception of some three times you have been out of the Cherokee Nation nearly all the time except the last seven years?

A. Yes, sir. I been out and in.

Q. I say with the exception of the last seven years you have been outside of the Cherokee Nation nearly all the time since you first came down here? A. Yes, sir.

XX

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 17th day of December, 1902.

*Jesse O. Carr*

*B. Jones*  
Notary Public.

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

In the matter of the application of Catherine King for enrollment as a citizen by adoption of the Cherokee Nation.

D E C I S I O N .

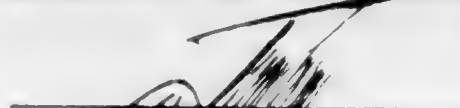
The record in this case shows that on October 4, 1900, Catherine King appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a citizen by adoption of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 15 and October 31, 1902.

The evidence shows that the applicant is a white woman; and that she is identified on the Shawnee Register containing the names of the members of the Shawnee tribe of Indians who removed to and located in the Cherokee Nation in accordance with the terms of an agreement made June 7, 1869, between the Shawnees and the Cherokees and approved June 9, 1869. It further appears that the applicant is identified on the Cherokee-Shawnee pay roll of 1896.

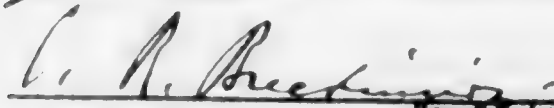
The evidence further shows that the applicant resided in the Cherokee Nation from 1871 to about 1879; that from that time up to about 1894 she seems to have had no settled domicile, but lived part of the time in the Cherokee Nation and part of the time in various states and in New Mexico; and that from 1894 up to and including June 28, 1898, she resided in the Cherokee Nation.

It is, therefore, the opinion of this Commission that the said Catherine King should be enrolled as a citizen by adoption of the Cherokee Nation, with all the privileges and immunities of a native citizen of said Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory.

this SEP 18 1903

  
\_\_\_\_\_  
Commissioner.

NOT  
SIDES.



DEPARTMENT OF THE INTERIOR

Commission to the Five Civilized Tribes,

Muskogee I. T.

In the matter of the application for the enrollment of Catharine King as a citizen by adoption of the Cherokee nation.

Cherokee D. 513.

The Cherokee nation protests against the Decision of the Commission to the Five Civilized Tribes rendered in this case on September 18, 1903 and asks that the record be forwarded to the Honorable secretary of the Interior for Review.

This applicant is a white woman and we believe that if she is entitled to enrollment at all she should be enrolled as a citizen by intermarriage.

In the second place she left the Cherokee nation from 1872 until ~~1872~~ 1894 and gave it up and we believe that while absent during this long period she so completely disconnected herself from the tribe that she lost her citizenship here.

Respectfully,

*W. W. Hastings, Jr.*  
Attorney for the Cherokee Nation.

DEPARTMENT OF COMMERCE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

FEB 21 1902

*[Handwritten signature]*

COMMISSIONERS

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

ALLISON L. AYLESWORTH  
SECRETARY

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

ADDRESS ONLY IN  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12,

1902

Mrs. Catherine King,

Klaus, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 28th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to S.S. Clover

Yours truly,

Cherokee D-513  
Register.

~~Acting Commissioner~~

Commissioner in Charge.

Cherokee D-513

Muskogee, Indian Territory, September 22, 1903.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Catherine King for the enrollment of herself as a citizen by adoption of the Cherokee Nation.

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

Respectfully,

*Tommy G. King*

Enc. D-17

Chairman.

Tallequa, Indian Territory, October 13, 1903.

Commission to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of October 10, there are transmitted herewith the original jackets and records in Cherokee cases D-513, Catherine King, and D-1084, John Allison.

Respectfully,

Assistant Chief Clerk  
Cherokee Land Office.

MEM

Enc. M-163

COPY.

Cherokee D-513.

Muskogee, Indian Territory, October 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Catherine King for enrollment as a citizen by adoption of the Cherokee Nation, including the Commission's decision dated September 18, 1903, granting said application.

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

Respectfully,

*E. B. Needles.*

Commissioner in Charge.

Encl. V-11.

Through the

Commissioner of Indian Affairs.

Cherokee D-513

Muskogee, Indian Territory, October 16, 1903.

Catherine King,

Ketchum, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated September 18, 1903, granting your application for the enrollment of yourself as a citizen by adoption of the Cherokee Nation. There has heretofore been furnished your attorney, S. S. Clover, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

The decision 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,

Encl. V-9  
Register.

Commissioner in Charge.

Cherokee D-513.

Muskogee, Indian Territory, October 16, 1903.

S. S. Clover,  
Attorney for Catherine King,  
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed copy of the decision of the Commission to the Five Civilized Tribes dated September 18, 1903, granting the application of Catherine King for the enrollment of herself as a citizen by adoption of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

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

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

Respectfully,

Encl. V-10  
Register.

Commissioner in Charge.



( C O P Y )

Land  
67510-1903.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

Copy.

WASHINGTON, March 28, 1904.

The Honorable ,

The Secretary of the Interior,

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes, dated October 16, 1903,, forwarding the record relative to the application of Catherine King for enrollment as a citizen of the Cherokee Nation.

September 18, 1903, the Commission held that Catherine King was entitled to enrollment as a Cherokee citizen. The evidence in this case shows that the applicant is a white woman and that she removed to the Cherokee Nation in accordance with the Cherokee-Shawnee agreement of June 9, 1869. She is identified by the Cherokee-Shawnee pay roll of 1896. Her name appears on the Cherokee-Shawnee register and the record shows that she was married in Kansas to James W. King, Sr. a Shawnee Indian.

The record also shows that the applicant resided in the Cherokee Nation from 1871 to about 1879, and that from 1879 to 1894 she seems to have had no settled place of abode. During this period she lived in Kansas, Texas, Indian Territory and New Mexico. From 1894 up to and including June 28, 1898 she was a resident of the Cherokee Nation.

When Catherine King settled in the Cherokee Nation, in accordance with the provisions of the Cherokee-Cherokee agreement her status became the same as that of a native Cherokee and she could only be expatriated in the same manner as could a native Cherokee

The record does not show that she removed from the Cherokee Nation and became a citizen of any other jurisdiction and it is believed by the office that she is entitled to all of the rights, immunities and benefits of native Cherokees. It is therefore recommended that the Commission's decision favorable to her be approved.

Very respectfully,

A. C. Tonner  
Acting Commissioner

GAW: LM  
3 inclosures.

( C O P Y )

D.C. 52033-1905  
I.T.D. 2620-1904

YP  
FHE

L R S

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 14, 1905

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

Sir:

October 16, 1903, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Catherine King as a citizen by adoption of the Cherokee Nation, including its decision of September 18, 1903, granting said application.

Reporting March 26, 1904, the Indian Office recommends that the Commission's decision be approved. A copy of its letter is inclosed.

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

Respectfully,

(Signed) THOS RYAN  
First Assistant Secretary

1 inclosure.

Cherokee D-513.

COPY

Muskogee, Indian Territory, November 27, 1905.

Catherine King,

Wetcauna, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for enrollment as a citizen by adoption of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 14, 1905.

You are further advised that you will not be permitted to make an allotment selection in the Cherokee Nation 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,

SIGNED:

*W. J. McQueen*  
Acting Commissioner.

LS

Cherokee 1-115.

COPY.

Muskogee, Indian Territory, November 27, 1905.

Charles E. Rogers,  
Attorney for Catherine King,  
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application for the enrollment of Catherine King as a citizen by adoption of the Cherokee nation, was affirmed by the Secretary of the Interior on November 14, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

*Geo. D. Rodgers*  
Acting Commissioner.

Incl. S-200

Cherokee 7-511.

OPY.

Muskogee, Indian Territory, November 27, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated September 13, 1903, granting the application for the enrollment of Catherine King as a citizen by adoption of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 14, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

*W. S. 27 W. S. 27*  
Acting Commissioner.

Incl. S-201

Cher 10963

Adolphus W. Dirtseller

Trans. from D24

Cher 10963

C7B

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of

ADOLPHUS WASHINGTON DIRTSSELLER  
as a citizen by blood of the Cherokee Nation

-----  
CHEROKEE D 24



of the matter of the apprehension of the subject, he found  
Commissioner Brickmire: I will state to you in the record  
of a Cherokee.

Q About section did the Cherokee... I don't know.

Q From the Cherokee nation, they were sent to...  
They were sent to... fixed there and...  
A Yes sir.

Q Have you ever...  
A No sir.

Q Have you ever looked... these names to see...  
A No sir, I don't know.

Q You know whether... on the old...  
A Yes sir.

Q Cherokee blood, and... they wanted to be...  
A Yes sir.

Q John Fox was a... he knew the...  
A Yes sir.

Q After the... he was a...  
A Yes sir.

Q The... of...  
A Yes sir.

Q...  
A Yes sir.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE  
F I I  
JUL

Washington, D.C.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fairland, I. T., July 12, 1900.

In the matter of the application of Adolphus Washington Dirtseller for enrollment as a Cherokee by blood; being sworn and examined by Commissioner Breckinridge he testifies as follows:

- Q What is your name? A Adolphus Washington Dirtseller.  
Q What is your age? A Twenty-one.  
Q What is your post-office? A Grove.  
Q Your District? A Delaware.  
Q How long have you lived in this District? A I came to Delaware District in 1879 I believe it was.  
Q That was along about the time you were born wasn't it? A Yes sir.  
Q Were you born in the Territory? A No sir.  
Q Are you a Cherokee by blood? A Yes sir.  
Q Have you lived in the Territory ever since 1879? A Yes sir.  
Q You apply for anybody except yourself? A No sir. I won't be found on the 1880 roll as that name it will appear upon the 1880 roll as Adolphus Washington Fox.

Note: 1880 roll examined, and this name not found.  
1894 roll examined, page 393, #1112, identified on the roll of 1894 as Adolphus Fox, the name he claims to have had at that time.

- Q How does it happen that you bore the name of Adolphus Fox at that time? A I guess that came from a nickname at that time; I couldn't say whether it was Dirtseller or Fox; I was raised an orphan, and I had some friends that advised me to put my name Dirtseller on the 1880 roll.

Note: 1896 roll, Delaware District, page 463, #959, Adolphus Dirtseller.

Com'r Breckinridge: He is identified on the roll of 1896 under the name given as Adolphus Dirtseller

- Q There is a good deal of variation in the names here, is somebody here that knows you and have known you under all these names?  
A Yes sir, Mr. William Ballard.

William Ballard, being sworn and examined by Commissioner Breckinridge testifies as follows:

- Q What is your name? A William Ballard.  
Q Where do you live? A About ten miles from here.  
Q What is your age? A Forty-eight.  
Q Your business? A Farming.  
Q You know this applicant here who appears under the name of Adolphus Washington Dirtseller? A I have been seeing him for the last ten or twelve years.  
Q Have you known him under that name? A Yes sir.  
Q Have you ever known him under any other name? A No sir.  
Q Did you know him as Adolphus Washington Dirtseller or Adolphus Dirtseller. A When he was put on the '94 roll I think he went on as Adolphus Fox.  
Q And you have known him sometimes as Adolphus Fox and as Adolphus Dirtseller? A That is the way he went on.  
Q How have you known him in your personal acquaintance? A Adolphus Fox.

Examined by Attorney Hutchings on part of Cherokee Nation:

- Q When he first came to this country he came here with his mother and ~~grandfather~~ grandfathers didn't he? A There was a white man and a white woman brought him to this country.  
Q They brought him here from the Choctaw Nation? A Yes sir.  
Q You don't know anything about who his father was? A No sir.

Adolphus Washington Dirtseller #2

Applicant, Adolphus Washington Dirtseller, re-called, and examined by Commissioner Breckinridge:

- Q Do you know who your father was? A I don't remember ever seeing my father at all.  
Q Do you remember your mother? A No sir, I couldn't say I remember.  
Q You can't give, of your own knowledge, either the name of your father or mother? A My father went by the name of John Fox.  
Q Do you know whether he is on the roll of 1880? A No sir, he died before that time.

Thomas Monroe, being sworn and examined by com'r Breckinridge, testifies as follows:

- Q What is your name? A Thomas Monroe.  
Q What is your age? A Forty-seven.  
Q Where do you live? A Delaware District.  
Q What is your business? A Farming.  
Q You know this applicant, Adolphus Washington Dirtseller?  
A I don't recognize him, no, but if he is the boy that was with Burks in 1880 I probably knew him.

Commissioner Breckinridge to applicant, Adolphus Washington Dirtseller:

- Q Was you ever with Burks? A Yes sir.  
Q He was your grandfather? A Yes sir.

Commissioner Breckinridge continuing examination of witness Monroe:

Witness: I remember him then as a boy, and I remember his mother. She called him her son; it was my understanding she was a white woman.

- Q You know anything about his father? A No sir.  
Q What did you say his grandmother's name was? A I didn't know his grandmother, I knew his grandfather, Burks.  
Q When did he die? A I don't know whether he is dead or not.

Commissioner Breckinridge recalls applicant, Adolphus Washington Dirtseller, and examines him as follows:

- Q Do you know anything about your grandfather Burks, is he living?  
A No sir.  
Q When did he die? A In 1891.  
Q He was a white man? A Yes sir.

Com'r Breckinridge continuing examination of witness Monroe:

- Q Your understanding was that they came here from the Choctaw Nation? A That's what Burks told me.  
Q He was a white man? A Yes sir.  
Q And stood as his grandfather? A Yes sir.  
Q Did he tell you anything about the boy? A I don't remember that he ever told me anything about the boy.

Applicant: I have got some papers that I want to show.  
(Produces papers)

Com'r Breckinridge, examining applicant:

- Q This paper is signed by Missouri A. Fox, was that she kin to you? A She was my mother.

Q This paper is a statement to the following effect: That one Missouri Angeline Fox was duly sworn, and said that she was married to John Fox on the 9th day of September, 1876, and in consequence of said marriage there was one child born to them on the 3rd day of July 1878, and named Adolphus Washington Fox. The above named John Fox was said to be of Cherokee blood, and furthermore, claimed to be himself. This is sworn to and subscribed before H. T. Lee,

Adolphus Washington Dirtseller #3

drum, Clerk of Delaware District Court, Cherokee Nation, 9th day of March 1880, and bears the seal of that official. Do you understand that your mother, Missouri A. Fox, was a white woman or an Indian? A She was a white woman.

Q And that your Indian blood is through your father? A Yes sir.

Commissioner Breckinridge: This paper handed to me by the applicant is a statement signed by James A. Moore, sworn to and subscribed before H. T. Landrum, Clerk of Delaware District, Cherokee Nation, on the 9th day of March, 1880, and it bears in addition to the signature, also the seal of that official. It is to the effect that there appeared before him one ~~James Moore~~ Olcott Moore, who after being sworn, says, that he was well acquainted with one John Fox, and that he was a Cherokee citizen by blood, and was well acquainted with the family of ~~John Fox~~ Fox which said John Fox was a descendant, and he knew the whole family to be of Cherokee blood, and from appearances they seemed to be about full-bloods.

Q You know whether any of your ancestors are on the old Tribal rolls of the Cherokee Nation? A No sir, I couldn't say.

Q Have you ever looked for these names to see if they were?

A No sir.

Q Have you ever applied for admission to Cherokee citizenship before? A Yes sir. My mother fixed these same papers out and they was sent to Tahlequah in 1880 when we come to the Cherokee Nation from the Chetaw Nation, them papers was sent to Tahlequah.

Q To the Cherokee authorities? A Yes sir.

Q What action did the authorities take? A I couldn't say.

Q You never heard? A No sir. I have always had the rights of a Cherokee.

Q You say you were not born in the Cherokee Nation? A No sir.

Commissioner Breckinridge: I will state to go in the record that as to the matter of the appearance of the applicant, he looks like a man of Indian blood.

Your case will be put upon what we call the suspended or doubtful list, and will be given further consideration, and when a conclusion is reached you will be informed by mail. If you can get any further information in regard to your rights to enrollment you will be welcome to send it to the commission and it will be considered in connection with your application.

(Applicant advised to leave his papers with the Commission and to produce further testimony.)

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.

Subscribed and sworn to before me this 13th day of July 1900.

  
Commissioner.

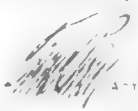
13-

124

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 12 1900



ATTEND CHAIR

CHEROKEES BY BLOOD AND ADOPTION.

Name: Adolphus H. Williams Date: July 19 1900.  
District: K. Lawrence Year: 1113 Page: 1063 No. 454

Citizen by blood: *J.* Mother's citizenship: *claim through father*  
Intermarried citizen:  
Married under what law: Date of marriage:  
License: Certificate:

Wife's name:  
District: Year: Page: No.:  
Citizen by blood: Mother's citizenship:  
Intermarried citizen:  
Married under what law: Date of marriage:  
License: Certificate:

Names of Children:

Table with columns: Dist., Year, Page, No., Age. Multiple rows with handwritten entries, mostly obscured by a large diagonal scribble.

*Page as Adolphus Williams also on 1870 Page as Adolphus Williams page 34. page 393 no 1112 K. Lawrence attached papers to be filed. Card 1524*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUL 12 1900

*W. A. Hoar*

*W. A. Hoar*  
ACTING CHAIRMAN

I was in at the [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
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Missouri 17th 1808

Sworn to & subscribed before me this the  
7<sup>th</sup> day of March 1808  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]



DEPARTMENT OF THE INTERIOR  
FOR THE FIVE CIVILIZED TRIBES.

FILED  
JUL 12 1900

*[Handwritten signature]*

ACTING CHAIRMAN

*affidavit  
Gammell*

*4*



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 14 1900



ACTING CHAIR

Written Sial  
Ind Terry.

APR 18 1900  
T. C. GROVE  
Genl  
GROVE, ILL. ILL.

Grove July 30<sup>th</sup> 1900

Personals appeared before me a Notary Public  
in and for Notarie Sial Ind Terry John Miller. &  
He well known and entitled to credit age 58<sup>+</sup>  
years. Post office address Hedmore Ind Terry -  
who after being duly sworn declares in relation as follows  
Am personally acquainted with claimant Adolphus  
Fry. Alias Vintzen - And was personally acquainted  
with wife of Alcott <sup>none</sup> who claimed to be a  
free blood choker woman. And was recognized as such  
while she lived in Oakley house - And until her death  
And I remember when: claimants Mother and  
claimant Adolphus Vintzen came to Alcott <sup>none</sup>  
on horse creek. Now known as Hedmore P.O. it was  
about the year 1879. And Mrs Alcott <sup>none</sup> claimed  
Mrs. Vintzen as her sister in law. And claimant  
as her nephew. And I soldiered in the Confederate  
Army with a man by name of Chas Fry or Vintzen  
who told me he was a brother to John Fry a brother  
Alcott <sup>none</sup> wife. My impression is that in 1890  
when I was a member of the National Council

After...  
T. S. R...  
General...  
NOTARY PUBLIC  
GROVE, IND. TER.

I took down the names of claimant  
Adolphus Fox - and that of his mother - and  
same were admitted as citizens into the  
Cherokee Nation =

John A. Hill

The within affidavit subscribed and sworn to  
this 28<sup>th</sup> day of July. A.D. 1900 = And I certify that  
I read and explained to affiant the within affidavit  
before I executed the same

J. S. Rensen  
Notary Public

Northern Dist  
Ind Territory

All returns to  
T. J. BROWN,  
Clerk and  
Recorder,  
GROVE, IND. TER.

Grove July 28<sup>th</sup> 1900

Personally appeared before me a Notary Public  
in and for Northern Dist. Ind. Terr. Margaret Rattenhead  
Age. 44 years. Post Office Grove. Ind. Terr. to me well  
known and entitled to credit. who after being duly  
sworn. declares. That she was present. when  
claimant. Adolphus Fox. or Birtallen. was born.  
it was near Caddo. in the Choctaw Nation. he  
was born on the 3<sup>rd</sup> day of July. 1878. His Father's  
name was John Fox. or Birtallen. some called him  
Fox and some Birtallen. And he was known as  
a Cherokee Indian. His Mother's name was. Missouri  
Angelina Bunk. she was a white woman. and was  
his sister. she died in 1881. on horse creek. Cherokee  
Nation. at Alwell Moore. His Father. (affiant) -  
was arrested in the winter of 1879. and taken to  
Kemp's Hill. Texas. and died there in prison. the balance  
of the family. then returned to the Cherokee Nation. and  
were admitted back to the Cherokee Nation. as Cherokees  
by act of Council. while Bushyhead was chief. this  
was in the fall of 1880. After affiant's Mother died

2

After....days return to  
T. S. P. [unclear]  
General [unclear]  
NOTARY PUBLIC,  
GROVE, INDIAN TER.

I as his Aunt. took him to live with me  
and he affiant. has been with me ever since  
he is now 22 years old past. and unmarried

Margaret [unclear]

The within affidavit: subscribed and sworn  
to this 28<sup>th</sup> day of July A.D. 1900 = And I certify  
that I read and explained to affiant the within  
affidavit before I executed the same -

J. S. Remson  
Notary Public

Northern Dist  
Ind Terry

After ... day return to  
T ... and  
Gen ... and  
GROVE, IND. TER.

Grove July 28<sup>th</sup> 1900

Personally appeared before me ...  
Notary Public in and for said District  
Edward W. Carey, age 68 years, Post-office address  
Grove, Ind Terry, to me well known and entitled to  
credit who after being duly sworn, declares  
as follows in relation to Adolphus Fox, alias  
Wintersen. I knew a man by name of John  
Wintersen before the war about 1860. he lived  
on big cabin creek about 1-mile from Duesphur-  
spring - now known as the Frasin place. I also knew  
Chas Wintersen his brother and their sister -  
Elisabeth. she 1<sup>st</sup> married Nelson Proctor after his  
death she married Alcott Moore who now are both  
dead. I was personally acquainted with John Wintersen  
lived by him for two 2-years. And have been  
acquainted with claimant, Adolphus Fox or Wintersen  
for the past eight 8 years. he has lived by me  
during that time. And his looks and actions  
and language resembles that of his father John  
Wintersen. I went before the undersigned



After ... days return to  
T. S. REMISEN,  
Gen. ... and  
GROVE, IND. TER.

2

in 1896. And they had his name down as  
Joy. I told them: if he was John Sirtanen  
son his name should be put down as Sirtanen  
And not Joy: And he also was a cherokee-

E. D. Casey

The within affidavit submitted and sworn  
to this 28<sup>th</sup> day of July A. D. 1900. And I certify  
that I read and explained to affiant the within  
affidavit before I executed the same -

J. S. Remisen

Notary Public.

"R"

Cherokee D-24.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 14, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of Adolphus W. Dirtseller for enrollment as a Cherokee by blood.

Appearances:

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

ADOLPHUS W. DIRTSSELLER, being first duly sworn, and being examined testified as follows:

BY COMMISSION:

- Q What is your name? A Adolphus W. Dirtseller.  
Q How old are you? A 23 years old.  
Q Where do you live? A I live five miles west of Grove, in Delaware District.  
Q What is the name of your father? A He always generally went by the name of John Fox.

BY COMMISSION: The applicant presents a certificate from J. S. Rice, Superintendent of the Texas State Penitentiary, certifying that John Fox was convicted of stealing cattle and sentenced on the 6th day of September, 1879 for two years confinement in the penitentiary. He was received at the penitentiary on the 20th day of September, 1879, and served one year, four months and 25 days.

- Q Is your father living? A No sir, he is dead.  
Q When did he die? A '81 I believe it is.  
Q Did he die while he was confined in the penitentiary? A Yes sir.  
Q Now where were you living when your father was sentenced to the penitentiary? A We was stopping in the Chickasaw Nation when he was arrested; we wasn't living there; we had started back to this country.  
Q Were you born in the Chickasaw Nation? A I was born in the Choctaw Nation.  
Q How old were you when you first came to the Cherokee Nation? A I think if I aint mistaken I come here in '79.  
Q How old did you say you are now? A 23 years old.  
Q You remember the date of your birth? A I will be 24 next July.  
Q You will be 24 next July? A Yes sir.  
Q Have you always made the Cherokee Nation your home since you came here? A Yes sir.

BY MR. HASTINGS:

- Q Where were you when your father was convicted? A I suppose we had stopped there in the Chickasaw Nation.  
Q You hadn't as yet gotten up to the Cherokee Nation? A No sir, we had started for the Cherokee Nation, and when we got to the Chickasaw Nation the horses run away, and he started back after the horses and he was arrested, and I suppose we was in the Chickasaw Nation when they sentenced him, and then we come right on to the Cherokee Nation.  
Q Had you reached the Cherokee Nation when your father died? A Yes sir.  
Q Your mother was a white woman? A Yes sir.  
Q Well then you were in the Cherokee Nation as you claim, in '80? A Yes sir.  
Q Do you claim to have lived here ever since? A Yes sir.  
Q In Delaware district? A No I haven't lived in Delaware district. I used to live down below town here about 15 miles, in Tahlequah and Canadian district both; I have been enrolled in both of them. When I was before the Commission at Fairland I didn't know I was enrolled until after I was with the Commission; I was too small to

remember it.

BY COMMISSION:

Q Did you ever go by any other name than John Dirtseller or John Fox? A Yes sir, I am on all the rolls as Adolphus Fox, except the 1896, I come as Dirtseller there.

Q What did they call your father? A John Fox.

Q Did they call him anything else? A Dirtseller is what the Indians always called him.

Q What was your mother's name before she married your father? A Birch.

Q Did you ever go by that name? A No sir.

Q Who did you live with after your father came to the Cherokee Nation? A I lived with my grandfather.

Q What was your grandfather's name? A Birch.

Q He was a white man, was he? A Yes sir.

Q Any other statement you want to make relative to your enrollment? A I don't know as there is.

Q Are you willing to submit this case now to the Commission for final consideration? A I guess so.

BY MR. HASTINGS:

I want to enter protest for the Cherokee Nation against the consideration of the affidavits that have been previously filed in connection with this case; some three or four of them, shown to have been made within the Northern District of the Indian Territory in July 1900, subsequent to the application of the applicant for enrollment, and were there fore living at the time, and accessible.

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

*M.D. Green*

Subscribed and sworn to before me this February 15, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
FEB 11 1902

*[Handwritten signature]*

*101*  
*124*

# TEXAS STATE PENITENTIARIES.

## CERTIFICATE OF PRISON CONDUCT.

To *Whom it may Concern*  
This is to Certify, that Convict No. *7888 John Doh*  
who is now an inmate of the TEXAS STATE PENITENTIARY at *Huntsville* and who was heretofore  
by the District Court of *Coosue* County at the *September* Term thereof,  
convicted of a felony in *One* cases, to-wit. *Theft of Cattle*  
after a plea of *Not Guilty*, and sentenced on the *6<sup>th</sup>* day of *September* A. D. 1879  
to *2* years confinement in the Penitentiary, was received here the *20* day of *September*  
A. D. 1879 and has now served *1* years *4* months *25* days

The Prison Records show that when received his Age was *23* yrs., Height *6 ft.* in. Weight *170 lbs.*  
Colon *Indian* Marital Relations *Yes* Habits *Intemperate*  
Education *none* Occupation *laborer*  
Nativity *Indian Territory* Residence *Chickasaw Nation*  
Health when Received *Fair* health now *—*  
Escapes *—* Time lost by escapes *—*

Charges of misconduct to date *—* Character of offense *—*

Punishments to date *—*

Commutation gained to date, yrs. mos. days, out of possible commutation, years.  
months, days. Expiration of sentence, full time

With full commutation Date of discharge

Conduct:  
*Note. Dies at Huntsville Texas of*  
*Pneumonia January 12<sup>th</sup> 1881.*

Given under my hand and official seal, at

*Huntsville* Texas,

on this

*30*

day of

*December* A. D. 1901

Request of

*J. H. Rice*  
Superintendent  
*4*

824

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE "CIVILIZED TRIBES"  
FILED  
JUN 25 1902

Executive Department, Cherokee Nation,  
Walequa, Indian Territory.

I hereby certify that I have made careful search through the records of this office pertaining to citizenship and they fail to disclose any evidence of the admission to the rights of citizenship in the Cherokee Nation of Adolphus Dirtseller or Adolphus Fox, John Fox and Mary A. Fox and such records now on file in this office are in my legal custody.

Given from under my hand and seal  
of office on this the 23d. day of June 1902

*J. T. Bailes*  
Executive Secretary.

D-24

Subscribed and sworn to before me this March 1st 1901

Notary Public

Witness my hand and seal of office at the City of New York, this 1st day of March, 1901.  
E. C. Brewer, Notary Public



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., February 12, 1903.

In the matter of the application of ADOLPUS W. DIRTSSELLER,  
for the enrollment of himself as a citizen by blood of the  
Cherokee Nation:

EDMOND D. CAREY, being first duly sworn, and examined,  
testified as follows:

Examined by the Commission:

- Q State your name ? A Edmond D. Carey.  
Q How old are you ? A Seventy years old.  
Q What is your post office ? A Grove.  
Q Are you a citizen of the Cherokee Nation ? A Yes sir.  
Q Do you know Adolpus Dirtseller ? A I do.  
Q How long have you known him ? A I have known him, I guess,  
about twenty years.  
Q Did you know his parents ? A I knowed the man he claimed to  
be his pa.  
Q What was his name ? A His name was Jim Dirtseller.  
Q Wasn't it John ? A No sir, he was raised right down this creek  
here not more than eight miles from here.  
Q Do you know that Jim Dirtseller was his father ?  
A I don't know.  
Q You are talking now of this boy's father, are you ?  
A I am talking of his grandfather.  
Q What was his name ? A They called him Jim.  
Q Was he a Cherokee ? A Yes sir that Jim was a Cherokee,  
his mammy and daddy were both full bloods.  
Q Did you know John Dirtseller ? A No sir.  
Q What was Adolpus' mother's name ? A I didn't know her; I  
never saw her.  
Q Don't know anything about her ? A No sir.  
Q You don't know if this boy's father was married to her or not ?  
A No sir.  
Q Is this boy's father dead ? A Yes sir.  
Q When did he die ? A Well he died, it's been just along  
directly after the war, just a few years; he died in Texas.  
Q It couldn't have been right after the war, this boy is only  
twenty two years old. A He is nearer thirty. He died  
while this boy was a baby. That's what they told me; I never saw  
him after I left Texas; I saw him on Red River in 1867.  
Q Do you know where he was living when this boy was born ?  
A No sir, I left there in '67, and I never saw him again.  
Q Who has this boy been living with ?  
A He aunt, and he is living there yet.  
Q What is her name ? A I can't tell you.  
Q What district does this Dirtseller live in ? A Delaware  
part of the time and in Saline part of the time.  
Q When did he die ? A I don't know when he did die.  
Q I mean this boy's father ? A No, I don't know what time.  
Q You say he went away out of the Nation during the war ?  
A He was with Watie's regiment, he was a soldier in Watie's  
regiment.  
Q He went out of the Nation ? A Yes sir, he was in the  
Choctaw Nation.  
Q Did he ever come back here ? A No sir, he died before he  
ever got back; he never got back.

- Q How long did you say you had known this boy ?  
 A Well I knowed him , I expect I knowed him about eight or ten years before he died, before I last saw him.
- Q Oh no, the boy Adolpus ? A I have known him Cherokee like, he was about three years old when they brought him up from Texas.
- Q Who brought him ? A His aunt that raised him, and he's living with her yet.
- Q Has he lived with her all the time from that time up till now ?  
 A Yes sir.
- Q Do you know that to be so ? A He's living with her yet.
- Q How close do you live to them ?  
 A They live about a quarter from my house.
- Q Have you been living there all the time ? A I have been living there sixty four years except during the war.
- Q Have this boy and his aunt been living a quarter of a mile from your place ever since he was three years old ?  
 A No sir, not all the time.
- Q Where has he been gone ? A He has been there in the neighborhood. He went over into Arkansas last spring and he and his aunt worked a time. That's the only time I have known them to go out.
- Q Are you sure this boy and his aunt haven't been out of the Nation since they came back from Texas ?  
 A They went out last spring.
- Q Up to last spring ? A No sir, I don't think they have, they have lived there in the neighborhood nearly all the time.
- Q You would see them frequently, every week would you ?  
 A No sir, sometimes I wouldn't see them for three months.
- Q What is the longest time you have missed them away from there ?  
 A I missed them last spring about the longest I believe.
- Q But before that time ? A I don't know; they lived down below me on Honey Creek about two miles and lived over across the river in what we called O8Field bottom for a while I didn't see them.
- Q How long ago was that ? A Two or three years.
- Q How long would they be away that you wouldn't see them, a year at a time ? A No sir, I have seen them more than once a year.
- Q You have seen them more than once a year during that time ?  
 A Yes sir.
- Q Haven't any doubt about it ? A No sir.
- Q Is his aunt a Cherokee ? A No sir, a white woman.
- Q You don't know, of course, if this Jim Dirtseller was his father ?  
 A No sir, but he is just exactly like that fellow.
- Q Is he a full blood ? A No sir, he claims to be and he is just like him, and if he was alive you couldn't hardly tell them apart only one would be darker.
- Q This boy, then, has lived in Delaware district all the time, him and his aunt ? A I think he has.
- Q How old did you say he was ? A I don't know exactly, but I would guess him to be about twenty seven or eight years old, and maybe thirty.
- Q You say you didn't know John Dirtseller ? A No sir; well I might have known him. This young fellow had several names, they called him Fox.
- Q Who are you talking about now ? A The one they call Adolpus father. They had several names, Indians in them days give a fellow a name, and that was his name.
- Q Did old man Jim's father have any other boys ?  
 A He had one called Chip.
- Q Chip and Jim, is that all ? A That's all I ever knowed of.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

*E. C. Bagwell*

Subscribed and sworn to before me this March 6, 1903.

*Samuel Foreman*

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

NOV 27 1905

 COMMISSIONER

C.D. 24.

Two Miles North of Needmore, Indian Territory,

May 18, 1905.

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

In the matter of the application of Adolphus W. Dirtseller for enrollment as a citizen by blood of the Cherokee Nation.

John M. Miller, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A John M. Miller.  
Q What is your age, Mr. Miller? A 63.  
Q What is your post office? A Needmore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.  
Q How long have you lived in Delaware District?  
A I was born and raised in Delaware District.  
Q Are you acquainted with a young man by the name of Adolphus W. Dirtseller?  
A Yes, sir.  
Q About how old is Adolphus W. Dirtseller?  
A Well, I could not state exactly how old; he was a chunk of a boy when the Census of 1880 was taken, but I could not say how old he is.  
Q He is just a young man now?  
A Yes.  
Q What would be his post office address?  
A I guess Echo or Grove, I. T.  
Q How long have you known Adolphus W. Dirtseller?  
A I have known him ever since the 1880 Census was taken.  
Q What was the name of the mother of Adolphus W. Dirtseller?  
A She was a Burk before marriage.  
Q Did you know her given name?  
A If I did I have forgotten it.  
Q Was she a white woman?  
A Said to be.  
Q Did you know who the father of Adolphus W. Dirtseller was?  
A I did not know his father.  
Q Are you now acquainted with the father of Adolphus W. Dirtseller at all?  
A No, sir.  
Q Were you acquainted with a brother of Adolphus W. Dirtseller's father?  
A Yes, sir.  
Q What was his name?  
A We called him Chips.  
Q You did not know this boy's father at all?  
A No, sir.  
Q Did you know such a man existed as the reputed father of this boy?  
A Well, I do not remember whether I did nor not.  
Q Who is the reputed father of this boy - what is his name?  
A John Chips.  
Q Did you ever see John Chips at all?  
A Yes, I saw him in the time of the war.

(2).

- Q Where did you see John Chips?  
A Down in the Choctaw Nation.
- Q Was that during the war?  
A Yes, sir.
- Q Was John Chips, who is the reputed father of Adolphus W. Dirtseller, a citizen of the Cherokee Nation?  
A Yes, he was a refugee that went from here in the time of the war.
- Q Was he a full blood?  
A Yes, a full blood.
- Q There was no question about his citizenship?  
A No, not that I know of.
- Q Did you serve with John Chips in the war?  
A No, I served with his brother.
- Q Where did you last see John Chips?  
A In the Choctaw Nation on Red River.
- Q What year was that?  
A Some where along in '65.
- Q Was John Chips married at that time?  
A Not when I knew him.
- Q When was the next time you had any account of John Chips?  
A I never had any account of him until this old man drove up here with this child.
- Q What old man was that to whom you refer?  
A Old man Burks.
- Q Do you know old man Burks' given name?  
A Well, no sir, they just called him old man Burks.
- Q Was Burks a white man?  
A Yes, sir.
- Q Did he have some girls?  
A He had two girls.
- Q Do you remember their names?  
A No, sir, I do not.
- Q Were these girls with Burks when he came to the Cherokee Nation?  
A Yes, sir.
- Q About what year was it he came to the Cherokee Nation?  
A Well, it was some where along in '79 before the Census was taken.
- Q Did Burks come from the Choctaw Nation?  
A Yes, sir, that is what he claimed.
- Q Was this Adolphus W. Dirtseller the child of one of these Burks girls?  
A Yes, sir, said to be.
- Q Was Adolphus W. Dirtseller with his mother at that time?  
A Yes, sir, when they come here.
- Q Did she say at that time who the father of Adolphus W. Dirtseller was?  
A Well, that was what they claimed; they come to John Chips' sister here for protection, that was Allcut Moore's wife.
- Q When the Burks girl came to the Cherokee Nation about '79 along with this boy, Adolphus W. Dirtseller, you state that they came to John Chips' sister?  
A Yes, sir.
- Q Did the mother of this boy state that John Chips was his father?  
A I do not know whether she did to me or not, but that's what she said to Allcut Moore's wife, and I got this from Allcut Moore and his wife.
- Q Was it generally believed among John Chips' relatives here that this boy was John Chips' son?  
A Well, it was believed in Allcut Moore's family; I do not know how it was believed in the neighborhood.

(3).

- Q John Chips' Sister, who was Allcut Moore's wife, was satisfied that this boy was her nephew.
- A Yes, sir.
- Q Did she recognize him as her relative?
- A Yes, I think she did.
- Q Do you know whether or not John Chips and this Miss Burks were ever married?
- A No, sir, I do not.
- Q Have you ever heard whether they were married?
- A Yes, I have heard they were.
- Q Is John Chips dead?
- A They say he is dead.
- Q Why did he not return from the Choctaw Nation with them?
- A Well, they had him in the pen in Texas and he died?
- Q Was he imprisoned just before he expected to return to the Cherokee Nation and died in prison?
- A Yes, sir.
- Q He never came to the Cherokee Nation at all?
- A No, sir.
- Q Is this Burks woman who is supposed to have been married to John Chips dead?
- A Yes, sir, she is dead.
- Q How long has she been dead?
- A She has been dead several years.
- Q Did she have any other children besides Adolphus W. Dirtseller?
- A She had one.
- Q Whose child was it?
- A It was said to be Chips.
- Q Both of these children were understood to be the children of John Chips, were they?
- A Yes, sir.
- Q Is the other child to whom you refer dead?
- A Yes, sir, she is dead?
- Q How long has she been dead?
- A She has been dead several years; did not live long after they moved here.
- Q Is Adolphus W. Dirtseller a Cherokee by blood?
- A Well, if there is any blood in him at all he is a Cherokee by blood.
- Q Does he have the appearance of a Cherokee?
- A Yes, he does.
- Q Since his removal here in '79, has he lived continuously in the Cherokee Nation?
- A Yes.
- Q Has his right as a citizen by blood ever been disputed?
- A Never until the Dawes Commission disputed it.
- Q Is the Dawes Commission the only body that ever disputed his right?
- A Yes.
- Q Did you once represent Adolphus W. Dirtseller before the Cherokee Council at Tahlequah?
- A Yes, sir, I presented a petition in the Lower House.
- Q Were you at that time a member of the Council of the Cherokee Nation?
- A Yes, sir.
- Q Was there a petition presented before the Council for the admission of Adolphus W. Dirtseller?
- A Yes, sir.
- Q Who presented this petition?
- A Judge Landrum.

(4).

- Q When was that petition presented?  
A It was just before the Census Roll was taken in '80.  
Q Was that petition acted upon?  
A It was acted upon in the lower house.  
Q Were you a member of the lower house?  
A Yes, sir.  
Q How was it acted upon?  
A I think it went through.  
Q Do you know why his name does not appear on the 1880 Roll?  
A No, sir.  
Q You do not know whether the Senate acted upon his application or not?  
A No, I do not.  
Q Is Adolphus W. Dirtseller a married man?  
A He was not the last time I heard from him.

Adolphus W. Dirtseller is identified on the 1896 Cherokee Census Roll, Delaware District, and is listed for enrollment on Cherokee D number 24.

Dock Rattlehead, from whom testimony was sought to be obtained, is dead.

W. P. Covington, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported proceedings had in the above and foregoing case on the 18th day of May 1905, and that the above and foregoing is a full and correct transcript of his said stenographic notes taken in said case.

Subscribed and sworn to before me, this June 13<sup>th</sup> 1905.

*W. P. Covington*  
*Fred P. Brauser*  
Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

NOV 27 1905

COMM. REC.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., NOVEMBER 22, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ADOLPHUS W. DIRTSELLER as a citizen by blood of the Cherokee nation.

ADOLPHUS W. DIRTSELLER, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Adolphus W. Dirtseller.
- Q How old are you? A 26 years old.
- Q What is your post office? A Grove, I. T.
- Q Are you a Cherokee by blood? A Yes sir.
- Q You are an applicant for enrollment as such? A Yes sir.
- Q Have you ever been enrolled or recognized as a citizen of the Choctaw, Chickasaw, Creek or Seminole Nations? A No sir, haven't got any claim whatever in any other nation.
- Q Did you ever draw any money or be recognized in any way as a citizen of either of these nations? A No sir.
- Q Your former testimony shows that you were brought to the Cherokee Nation about the year 1879 with your mother? A Yes sir.
- Q Where have you made your home since that time? A I have been in Canadian District and Tahlequah District.
- Q Have you been at any other place besides the Cherokee Nation? A Not only just a little short time, a month or two, two or three months, four months I believe. That has been since I made my application at Fairland.
- Q Was that during this past year? A No, that was before that time.
- Q That was since you have applied for enrollment? A Yes sir, I went down in Arkansas and worked four months, and then went back to Grove.
- Q Have you ever made your home anywhere else besides the Cherokee Nation? A No sir.
- Q Have you ever held any property in the Cherokee Nation? A You mean land.
- Q Yes? A I taken up a claim one time and built a house on it, is all the property I ever had.
- Q About how long ago was that? A It has been I reckon, it has been about 7 years ago.
- Q What became of that claim? A I sold it out to another man there.
- Q How long ago? A It has been about 7 years I think.
- Q Since you sold it? A Yes sir, I built the house and in a short time I sold it.
- Q Is there any one that you know of whose testimony you could get as to the citizenship of your father during his life time? A No sir, there is not any further than what I have done, put in affidavit from Mr. Gary and John Miller, is the only men that lives in our country that knows anything of him.
- Q The testimony shows that your father was sometimes known as John Chipp? A Yes sir.
- Q Do you know anything about that? A Nothing more than what I have heard them old people say, that is all I know about it.
- Q Is Margaret Rattlehead living? A No sir, she is dead.
- Q Is John Moore living? A Yes sir, unless he died since I left home.
- Q Did he know your father during his life time? A Claimed to.

- Q Could you secure his testimony in this case, could you get him to testify for you? A I suppose so. Haven't you got one of his affidavits that he made.
- Q Who drew your strip money for you? A William Ballard.
- Q Is he a Cherokee by blood? A Yes sir.
- Q Did you ever draw any money from the Cherokee Nation besides the 1894 payment? A Yes sir.
- Q When? A I drew on every payment that was made only the payment that was made in 1880, the payment that was made in 1880 my mother had never applied for citizenship then and I never got that payment.
- Q Your mother was a white woman? A Yes sir.
- Q The records of the Cherokee nation as shown by an affidavit signed by J. T. Parks, Executive Secretary of the Cherokee nation, fails to show that either you or your mother had been admitted to citizenship in the Cherokee nation. What is your understanding with reference to the residence in the Cherokee nation of your father prior to the time he was sent to the penitentiary in Texas? A I couldn't tell you one word about it.
- Q Do you know how long he had lived in the ~~Cherokee~~ Chickasaw nation before he was sent to prison? A No sir, I don't.
- Q You don't know of any further testimony that you get introduce in your behalf as to the citizenship of your father? A I don't think there is any.
- Q Do you desire the Commissioner to render a decision in your case on the testimony already introduced? A Yes sir, that is all I am able to furnish you.
- Q You don't know of any other evidence you could get? A No sir, I don't.

The applicant announces that he has no further evidence to introduce, this case will be closed, and a decision rendered upon the evidence heretofore introduced.

-----oOo-----

George H. Leesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Leesley*

Subscribed and sworn to before me this 27th day of November, 1905.

*Myrae White*  
Notary Public.

C71B

Cherokee D 24.

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

In the matter of an application for the enrollment of Adolphus Washington Dirtseller as a citizen by blood of the Cherokee Nation.

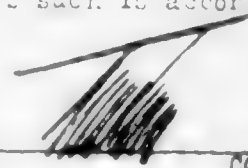
D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Fairland, Indian Territory, on July 12, 1900, Adolphus Washington Dirtseller appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 14, 1902, at Vinita, Indian Territory, February 12, 1903, at Needmore, Indian Territory, May 18, 1905, and at Muskogee, Indian Territory, November 22, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Adolphus Washington Dirtseller is a son of one John Fox, a Cherokee by blood, and Missouri A. Fox, a non-citizen white woman; that at the date of the birth of said applicant the said John Fox was temporarily absent from the Cherokee Nation; and that while returning to the Cherokee Nation in 1879 he was arrested in the Chickasaw Nation and sent to the Texas State penitentiary, where he died in 1881.

It is further shown that after the incarceration of the said John Fox in the Texas state penitentiary in 1879 the applicant herein, with his mother, came to the Cherokee Nation, where said applicant has since continuously resided, and is duly identified on the Cherokee Strip payment roll of 1894, and the Cherokee Census roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 49c ), Adolphus Washington Dirtseller is entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment to such is accordingly granted.

  
COMMISSIONER

Dated at Muskogee, Indian Territory

this \_\_\_\_\_ 1905

f.

cc

JAN 1 1902

AMERICAN

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

ADDRESS ONLY TO:  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **January 30, 1902** 1902

**Mr. Adolphus W. Birtealler,**  
**Grove, Indian Territory.**

**Sir:**

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

**15th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

**Register**  
**Cherokee D-34**

Acting Chairman.

Cherokee D-24.

Wuskogee, Indian Territory, June 19, 1902.

J. T. Parks,

Executive Secretary, Cherokee Nation.

Tahlequah, Indian Territory.

Sir:

In the matter of the application of Adolphus W. Dirtseller for enrollment as a citizen of the Cherokee Nation, it is alleged that the applicant was admitted to citizenship about the year 1880 by the tribal authorities of said Nation. You are therefore requested to supply the Commission with a certified copy of the records, if any exist, showing his admission to citizenship in the Cherokee Nation by the tribal authorities. The applicant is also known by the name of Fox, and the names of his parents are John Fox and Missouri A. Fox. Their residence was principally in the Delaware District, though at times they resided in Tahlequah and Canadian Districts.

Yours truly,

Register.

Commission in Charge.

Cherokee-9266

Muskogee, Indian Territory, August 19, 1902.

Ida M. Davis,

Claremore, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of August 11, stating what testimony you can introduce in the matter of your application for enrollment as a citizen of the Cherokee Nation.

In reply, you are advised that if you have witnesses whose testimony you desire to introduce, you should have such witnesses to appear before the Commission at its offices at Muskogee, Indian Territory, for examination under oath.

Yours truly,

Acting Chairman.



Afton, Indian Territory, May 18, 1905.

Commission to the Five Civilized Tribes,  
Cherokee Enrollment Division,  
Muskogee, Indian Territory.

Gentlemen:

Since our last report we have taken testimony in the matter of the application of Adolphus W. Dirtseller, Cherokee D 24. One John Miller testified in this case. The party has been water-bound so continuously that we have been unable part of the time to do effective work.

Respectfully,

(Signed) Fred P. Branson.

COPY.

Cherokee  
D 24

Muskogee, Indian Territory, December 28, 1905

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for the enrollment of Adolphus Washington Dirtseller as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. You will be required to serve a copy of any protest made upon the principal applicant, and upon your failure to make such protest, this decision will be considered final.

Respectfully,

(SIGNED)

*Tams Dixby.*

Incl. B-90

Commissioner

REFER IN REPLY TO THE FOLLOWING

Cherokee  
D-24.

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

Muskogee, Indian Territory, January 13, 1906.

Adolphus W. Dirtseller,  
Grove, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for your enrollment as a citizen by blood of the Cherokee Nation.

You are advised that you will not be permitted to make an allotment selection until your name shall have 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 advised.

Respectfully,



Commissioner.

Incl. GL-2.  
GHL

COPY.

Cherokee  
D 24

Muskogee, Indian Territory, December 28, 1905

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for the enrollment of Adolphus Washington Dirtseller as a citizen by blood of the Cherokee Nation.

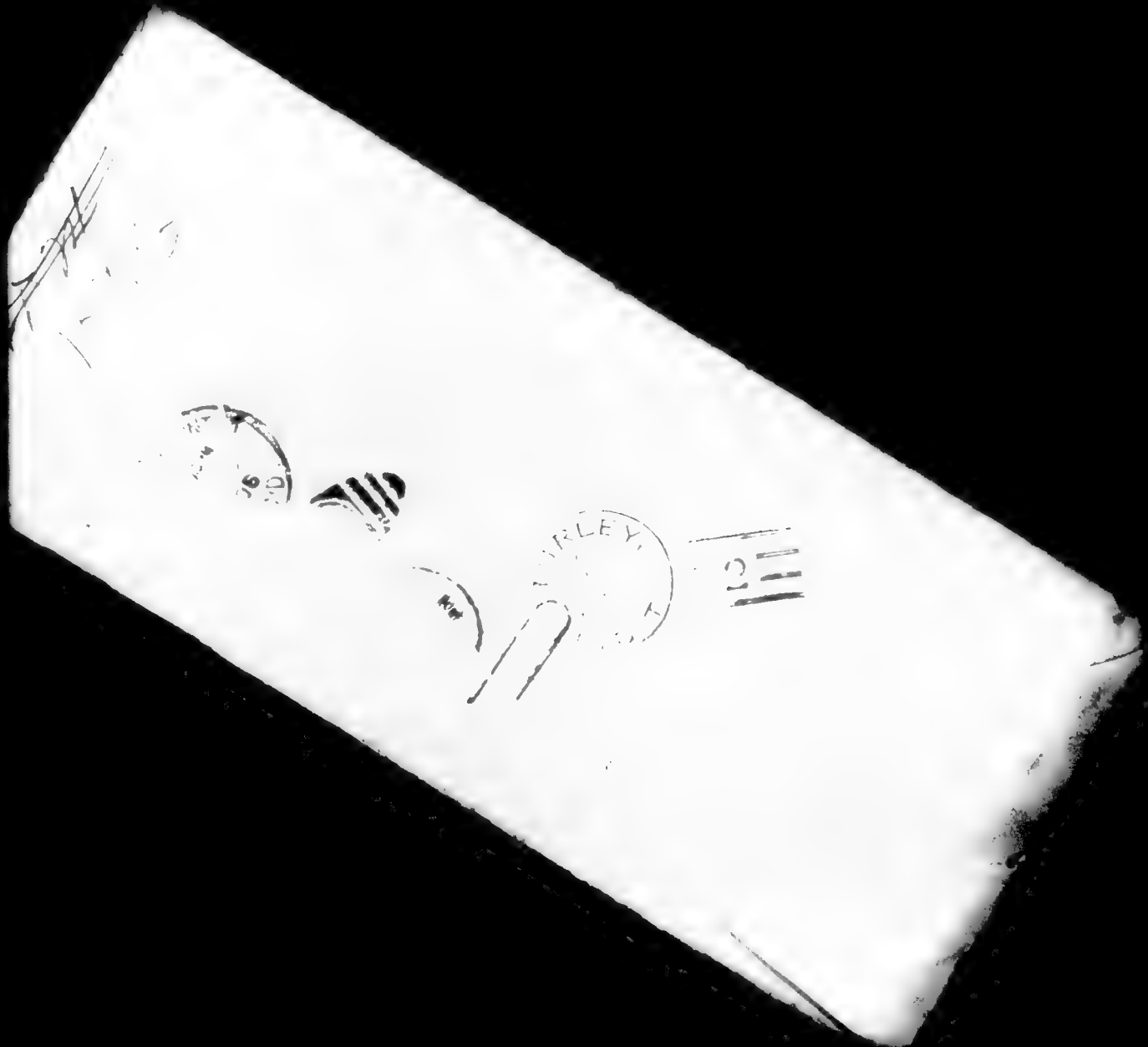
You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. You will be required to serve a copy of any protest made upon the principal applicant, and upon your failure to make such protest, this decision will be considered final.

Respectfully,

*Tame Bixby.*

Commissioner

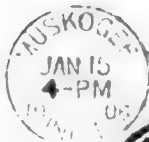
Incl. B-90



Department of the Interior

Commission to the Five Civilized Tribes.

MUSKOCOE, IND. TER.



Adolphus W. Cartse ler,

Grave, Indian Territory.

Cher 10964

Levi Bullett

Trans. from D3100

Cher 10964

C7B

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

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In the matter of the application for the enrollment of  
LEVI BULLETT  
as a citizen by blood of the Cherokee Nation.

-o-o-o-o-o-o-o-o-o-o-

CHEROKEE D 3100.



Cher D 3100

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tuskogee, T. T., June 30, 1902

In the matter of the application of LEVI BULLETT, et AL.,  
for enrollment as citizens of the Cherokee Nation.

LEVI STAFF, Deputy Commissioner of the Cherokee Nation, testified as follows:

- Q. What is your name?  
A. Levi Staff.  
Q. What is your age?  
A. 45 years and 6 months.  
Q. What is your post office address?  
A. Cherokee, T. T.  
Q. Are you a citizen by birth of the Cherokee Nation?  
A. Yes sir, I am.  
Q. For whom do you desire to make application for enrollment?  
A. For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

Levi Bullett #272 Tahlequah District.

- Q. Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A. I desire to apply for the following named persons on the 1890  
Cherokee roll, their families and their descendants:

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.

Subscribed and sworn to before me this December 9, 1902.

*E. C. Bagwell*  
*B. C. Jones*  
Notary Public.

R.  
Cher. D-3100.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tahlequah, I. T., August 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of LEVI A. BULLETT as a citizen by blood of the Cherokee Nation.

ALBERT A. TAYLOR, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Albert A. Taylor.  
Q Your age is thirty-two? A Yes sir.  
Q What is your post office address? A Tahlequah, I. T.  
Q Your are a recognized citizen by blood of the Cherokee Nation?  
A Yes sir.  
Q Do you know Levi Bullett? A Yes sir.  
Q He is a minor child, is he? A Yes sir.  
Q About how old is he now? A He must be twelve or thirteen years old, something like that.  
Q Do you know his present post office address? A Melvin.  
Q In what district does he reside? A Tahlequah District.  
Q Is he a Cherokee by blood? A Yes sir, a full blood.  
Q Do you know the name of his father? A I do not.  
Q Do you know the name of his mother? A No sir.  
Q Is he an orphan child? A Supposed to be, lives with the Bigheads down at my ranch place.  
Q Did this child once live on your place? A No sir, lived right adjoining my ranch place, and used to come there a good deal.  
Q This child is living now? A Was last year.  
Q With whom was he living the last time you heard of him?  
A He lived around different places . He stayed at Little Johnson's before he stayed at Bighead's.  
Q What is Bighead's full name? A I believe it was Bill.  
Q Has this child resided in the Cherokee Nation continuously, so far as you know, during its lifetime? A Yes sir.  
Q Do you know whether the child drew Strip money in 1894 or not?  
A I do not.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 1140, #272, Levi Bullett, Tahlequah District, native Cherokee, age 4.

-----  
Wm. Hutchinson, 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 the stenographic notes thereof.

Subscribed and sworn to before me this 25th day of August, 1902.

John R. Mason  
Notary Public.

RECEIVED  
MAR 3 - 1905  
COMMISSIONER OF FINANCE

*[Handwritten signature]*

DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES,  
 CHEROKEE LAND OFFICE.  
 Tahlequah, I. T., February 21, 1905.

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In the matter of the application for the enrollment of Levi Bullett as a citizen by blood of the Cherokee Nation. No. D. 3100.

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ALEX JOHNSON, being duly sworn and examined, through Interpreter Samuel Foreman, by the Commission, testified as follows:--

- Q What is your name? A Alex Johnson.  
 Q How old are you? A 28.  
 Q What is your post-office? A Hulbert.  
 Q Are you a fullblood Cherokee? A Yes.  
 Q Do you know Levi Bullett? A Yes.  
 Q Is he living? A Yes.  
 Q How old is he? A He's about 12.  
 Q What is his father's name? A Susan Bullett.  
 Q What is his mother's name? A Sam.  
 Q They are both dead? A Yes.  
 Q Was Sam a Cherokee? A Yes.  
 Q Fullblood? A Yes.  
 Q Was Susan? A Yes.  
 Q How long did you know Sam? A About 10 years. I just got acquainted with him when he died.  
 Q Do you know his people? A No.  
 Q Is it your understanding that he was always recognized as a citizen by blood of the Cherokee Nation? A Yes.  
 Q How long did you know Susan Bullett? A I have known her all my life. She was my aunt.  
 Q Did she ever make her home outside of the Cherokee Nation?  
 A No.  
 Q Was she always recognized as a citizen by blood of the Cherokee Nation? A Yes.  
 Q Do you know by what name she could have been on the 1880 roll? A No, I don't.  
 Q Has this child lived in the Cherokee Nation all its life?  
 A Yes.  
 Q With whom does it live now? A She stays with me part of the time and sometimes she stays with mother. Mother lives alone to herself.  
 Q That's Levi who lives with you part of the time and part of the times lives with your mother? A Yes.  
 Q Did this child draw Cherokee strip money? A Yes.  
 Q Who drew it for the child? A The child's mother.  
 Q Did she draw for herself? A Yes, she drew for herself.  
 Q Do you know under what name? A Susan is the only name that I knew of her going by.  
 Q Did Levi ever go by any other name besides Bullett? A No.  
 Q Do you remember how much she drew? A Yes.

JOR

-2-

Cherokee D. 3100.

Q How much? A I don't know just exactly; I suppose that they drew the same amount that I did or the others who draw strip money.

---

Joe Chambers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in this case and that the above and foregoing is a true and complete copy of his stenographic notes.

Subscribed and sworn to before me  
this 21st day of February, 1905.

*Joe Chambers*

*J. H. ...*

Notary Public

JC

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
CHEROKEE LAND OFFICE.  
Tahlequah, T. T., July 27, 1905.

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In the matter of the application for the enrollment of Levi Bullett as a citizen by blood of the Cherokee Nation. No. D-3100.

---

ALEX JOHNSON, being duly sworn by Joe Chambers, a Notary Public, and examined on behalf of the Commissioner, through Interpreter Jack Wofford, testified as follows:---

- Q What is your name? A Alex Johnson.  
 Q How old are you? A 28.  
 Q What is your post-office? A Hulbert.  
 Q Are you a fullblood Cherokee? A Yes.  
 Q Do you know Levi Bullett? A Yes.  
 Q Is he living? A Yes sir.  
 Q How old is he? A 12.  
 Q Is he a fullblood Cherokee? A Yes sir.  
 Q What is the name of his father? A Sam Bullett.  
 Q Is he dead? A Yes sir.  
 Q What is the name of his mother? A Susan Bullett.  
 Q She is dead also is she? A Yes sir.  
 Q With whom does he live? A He lives with me.  
 Q Did he use to live with George Bighead? A Yes sir.  
 Q Who enrolled him? A The Commission enrolled him when they were out there.  
 Q Did he draw Strip Money? A Yes sir.  
 Q Who drew that for him? A His mother was living then. She drew it.  
 Q Has he lived in the Cherokee Nation all his life? A Yes sir.  
 Q Was there ever a guardian appointed for him? A No sir.  
 Q How long ago did his mother and father die? A His father died when he was a year old, and he was about 3 years old when his mother died.  
 Q A letter was addressed by the Commission to the Five Civilized Tribes to Levi Bullett in care of Bill Bighead January 26, 1905, notifying him to appear and testify in regard to his application for enrollment as a Cherokee citizen. What is the reason some one did not appear and testify in this case? A My mother is an old woman, and she's got the child and she can't get around to do anything and that's the reason she didn't come.  
 Q She's too old and infirm to come here? A Yes sir, and she didn't have the money to go to Muskogee, and couldn't get it.  
 Q Did Levi's mother and father live in the Cherokee Nation all their lives? A Yes sir. They lived in Hungry Mountains in Tahlequah District.  
 Q Were they always recognized as Cherokees by blood? A Yes sir.  
 Q Does Levi speak English? A No sir. He speaks nothing but Cherokee.

---

Joe Chambers, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Subscribed and sworn to before  
me this 31st day of July, 1905.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Notary Public.

Department of the Interior  
 Commissioner to the Five Civilized Tribes  
 Cherokee Land Office  
 Tahlequah, I. T., October 23, 1905.

In the matter of the application for the enrollment of Levi Bullett, as a citizen by blood of the Cherokee Nation. No. D-3100.

PRICE COCHRAN, appearing in person before the Cherokee Land Office, of the Commissioner to the Five Civilized Tribes, and being first duly sworn, and examined by Simon R. Walkingstick, a Notary Public, and Official Interpreter, testified as follows:

- Q What is your name? A Price Cochran.  
 Q What is your age? A 63.  
 Q What is your postoffice address? A Tahlequah.  
 Q Are you a citizen by blood of the Cherokee Nation? A Yes.  
 Q Do you know Levi Bullett, whose age at the present time is about 13 years? A Yes.  
 Q Is Levi Bullett living at the present time? A Yes.  
 Q What is the name of his father? A Sam Bullett.  
 Q Is he living? A He is dead.  
 Q Was he a Cherokee by blood and a citizen of the Cherokee Nation? A Yes sir, he was a Cherokee.  
 Q What is the name of his mother? A Susan Bullett, and I remembershe was put on the 1880 Roll as Susan Jumper.  
 Q Was she married when the 1880 roll was made? A Yes.  
 Q What was the name of her husband? A Sam Jumper.  
 Q Is Sam Jumper a citizen of the Cherokee Nation? A Yes, he is a recognized citizen, but he is part Creek.  
 Q What is the postoffice address of Sam Jumper, if you know? A I guess it is Illinois station.  
 Q When did Sam Jumper and Susan Bullett separate? A I couldn't say exactly but about 15 years ago.  
 Q Then after they separated who did Susan next live with? A Sam Bullett.  
 Q The father of Levi Bullett? A Yes.  
 Q With whom is Levi Bullett living at the present time? A Mollie Bighead, the widow of George Bighead.  
 Q Did the parents of Levi Bullett always live in Tahlequah District, and in the Cherokee Nation? A Yes.  
 Q How long have you known Levi Bullett? A About 10 years, he was brought into my neighborhood about 10 years ago, and he has been there ever since.  
 Q He has always lived in the Cherokee Nation as far as you know then? A Yes.  
 Q What is his postoffice address? A Hulbert.  
 Q What District did Sam Jumper and Susan Jumper, the mother of



- Levi Bullett live in?     A   Tahlequah District.
- Q Did Sam Jumper and Susan Jumper have any children?
- A Yes, about 3.
- Q Do you know their names?     A No, I do not.

The mother of Levi Bullett is identified on the 1880 Roll, page 772, No. 1093, Tahlequah District, as Susanna Jumper, with that of Sam Jumper, who appears on the same page and No. 1092, as Sampson Jumper. The said Sam Jumper is found on Cherokee Card No. 8589.

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Testimony of John Johnson.

JOHN JOHNSON, appearing in person before the Cherokee Land Office, and being first duly sworn, and examined by Simon R. Walkingstick, a Notary Public, and Official Interpreter, on behalf of the Commissioner, testified as follows:

- Q What is your name?     A   John Johnson.
- Q What is your age?     A   40.
- Q What is your postoffice?     A   Hulbert.
- Q Are you a citizen of the Cherokee Nation, by blood?     A Yes.
- Q Do you know Levi Bullett, whose age at the present time is about 13 years?     A Yes, I know him.
- Q With whom does he live?     A Mollie Bighead.
- Q Is he a Cherokee by blood?     A Yes, and a full-blood.
- Q What is the name of his father?     A   Sam Bullett.
- Q Is he living?     A No.
- Q Was he a Cherokee by blood?     A Yes.
- Q What is the name of his mother?     A Susan Bullett.
- Q Is she living?     A No.
- Q Was she a Cherokee by blood?     A She was a Cherokee, I always thought she was part Creek.
- Q Did Susan Bullett ever live with a man named Sam Jumper?
- A Yes.
- Q In what district did they live at the time they were man and wife?     A Tahlequah district.
- Q Did they have any children?     A Yes.
- Q What are their names?     A Aginni was the oldest.
- Q What was the name of the next child?     A Chow-ye-uke.
- Q What is the name of the next child?     A The other child is named Hunter; a boy; that was all.

-----

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of October, 1905.

*James B. Myers*  
 \_\_\_\_\_  
*J. Walker*  
 \_\_\_\_\_  
 Notary Public.

CIB

Cherokee D 3100

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

-----

In the matter of the application of Levi Bullett for enrollment as a citizen by blood of the Cherokee Nation.

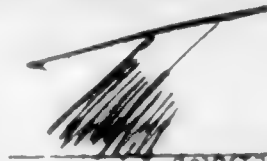
--:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Levi Bullett as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, August 14, 1902, and February 21, July 27, and October 23, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Levi Bullett is a Cherokee by blood and is a son of one Susan Bullett, whose name appears as Susan Jumper on the Cherokee authenticated tribal roll of 1880, No. 1093, Tahlequah District. The evidence further shows that the said Levi Bullett was born in the Cherokee Nation, and has continuously resided therein since birth. Said applicant is duly identified on the Cherokee census roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), Levi Bullett is entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly granted.



\_\_\_\_\_  
COMMISSIONER

Dated at Muskogee, Indian Territory,

this \_\_\_\_\_ 1905

Cherokee D-3100.

Muskogee, Indian Territory, November 11, 1905.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

You are requested to advise this office whether or not any application has ever been made for the enrollment, as a citizen of the Creek Nation, of Levi Bullett, aged about thirteen years, child of Sam Bullett, a Cherokee by blood, and Susan, or Susanna, Bullett, or Jumper, a part Cherokee and part Creek Indian. Levi Bullett resides with Mollie Righend at or near Melvin and Hulbert, Indian Territory, and it appears that his mother, who is now deceased, formerly resided at or near Braggs, Indian Territory.

Respectfully,

LS

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee  
D-3100

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

*Handwritten mark*

Muskogee, Indian Territory, November 30, 1905.

Clerk in Charge

Cherokee Enrollment Division.

Dear Sir:

Receipt is acknowledged of your letter of November 11th in which you request to be advised whether or not any application has ever been made for the enrollment, as a citizen of the Creek Nation, of Levi Bullett, age about thirteen years, child of Sam Bullett, a Cherokee by blood, and Susan or Susanna Bullett or Jumper, a part Cherokee and part Creek Indian.

In reply you are advised that it does not appear that application was ever made for the enrollment of Levi Bullett nor does it appear that he has ever been enrolled as such.

Respectfully,

*Handwritten signature*

Acting Commissioner.

Cherokee  
D 3100

COPY.

Muskogee, Indian Territory, December 28, 1905

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the five Civilized Tribes, dated December 28, 1905, granting the application for the enrollment of Levi Bullett as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. You will be required to serve a copy of any protest made upon the principal applicant, and upon your failure to make such protest, this decision will be considered final.

Respectfully,

SIGNED:

*Tams Bixby.*

Commissioner

Incl. B-98

Cherokee  
D 3100

COPY

Muskogee, Indian Territory, January 13, 1906.

Alex Johnson,

Hulbert, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for the enrollment of your ward, Levi Bullett, as a citizen by blood of the Cherokee Nation.

You are advised that no application for an allotment selection in the Cherokee nation for Levi Bullett can be received until his name shall have 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 advised.

Respectfully,

SIGNED:

*Tame Bixby.*  
Commissioner.

Incl. GI-5.  
GHL

Cherokee  
D 3100

COPY.

Muskogee, Indian Territory, December 28, 1906

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the five Civilized Tribes, dated December 28, 1906, granting the application for the enrollment of Levi Bullett as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. You will be required to serve a copy of any protest made upon the principal applicant, and upon your failure to make such protest, this decision will be considered final.

Respectfully,

SIGNED.

*Tame Bixby.*  
Commissioner

Incl. B-86

Cher 10965

Lee Johnson

Trans. from D2949

Cher 10965



CFB

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

---

In the matter of the application for the enrollment of

LEE JOHNSON

as a citizen by blood of the Cherokee Nation.

CHEROKEE D 2949

2025 RELEASE UNDER E.O. 14176

THE DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C. 20540

THE DEPARTMENT OF THE INTERIOR

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C. 20540

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C. 20540

FILED  
DEC 23 1902

*[Handwritten signature]*

RECEIVED  
THE DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C. 20540

*[Handwritten signature]*

*[Handwritten signature]*

R  
Cher

D 2949

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1908.

In the matter of the application of JAMES BULLETT, et al.,  
for enrollment as citizens of the Cherokee Nation:

HENRY STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Henry Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1898 Cherokee roll,  
their families and descendants:

Lee Johnson #994 Illinois District.

- Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1898  
Cherokee roll, their families and their descendants:

-----  
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.

Subscribed and sworn to before me this December 5, 1908.

*E. C. Bagwell*  
*B. Jones*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
CHEROKEE LAND OFFICE.  
Tahlequah, I.T., November 8, 1905.

-----  
In the matter of the application for the enrollment of  
Lee Johnson as a citizen by blood of the Cherokee Nation.  
-----

Daniel Smith, being first duly sworn by and examined  
through Simon Walkingstick, notary public and official interpreter,  
testified as follows:

- Q What is your name? A Daniel Smith.  
Q What is your age? A Twenty-nine.  
Q What is your postoffice address? A Stilwell.  
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.  
Q Do you know one Lee Johnson, an applicant for enrollment as a  
Cherokee citizen? A Yes sir.  
Q Is he living? A Yes sir.  
Q What is his age at the present time? A He's either 11 or 12  
years old.  
Q How long have you known him? A From the time he was small--  
from a baby.  
Q What proportion of Cherokee blood has he? A He's about three-  
fourths.  
Q Do you know the name of his mother? A Yes sir.  
Q What is her name? A Akie Johnson.  
Q Is she a Cherokee by blood? A Yes sir.  
Q Is she living? A No, she's dead--been dead I guess four years.  
Q Was she a recognized citizen of the Cherokee Nation? A Yes sir.  
Q In what district did she live? A In Illinois District.  
Q What's the name of the child's father? A Dave Johnson.  
Q Is he living? A Yes, he's in the penitentiary at Fort Leaven-  
worth, Kansas.  
Q Is he a Cherokee and recognized as a citizen of the Cherokee  
Nation? A Yes, Cherokee like myself.  
Q With whom is Lee Johnson living now? A He's living with me.  
Q Is he any relation of yours? A Yes, his mother and my mother  
were sisters.  
Q Full sisters? A Yes, full sisters.  
Q Has Lee Johnson always lived on the Cherokee Nation? A Yes.  
Q Do you know the names of Akie Johnson's parents? A Yes.  
Q What was the name of her father? A Archiller Foster.  
Q Is he living? A No, he's been dead a long time.  
Q What is the name of her mother? A Klisa I think is her name--  
she is now the wife of Charles Smith.  
Q About how old is Klisa? A She's about 56 years old.  
Q Where does she live? A Her postoffice is Stilwell.  
Q Did Akie Johnson have any brothers and sisters? A Yes, there  
were several.  
Q What are their names? A She had a brother named Peter Foster,  
and James Foster and a sister Charlotte Foster.

Lee Johnson--2

STATEMENT.

It appears from an examination of the 1880 roll of delinquent citizens of the Cherokee Nation, Flint District, that between No's. 551 and 562 there are several names apparently missing. The name of James Foster, who is identified as the brother of Akie Johnson, nee Foster, appears opposite No. 562 on said list.

The name of Akie Johnson appears on the 1896 roll of delinquent citizens of the Cherokee Nation, Illinois District, page 872, opposite No. 993 and the word "dead" follows her name. The name of Lee Johnson appears on said list, immediately following the name of Akie Johnson, opposite No. 994, his age being given as 3 years.

-----

Ira S. Niles, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the testimony in this case and that the above and foregoing is a true and complete transcript of his stenographic notes.

Ira S. Niles

Subscribed and sworn to before me this  
8th day of November, 1905.

Simon A. Wallingford  
Notary Public.

*J. H. ...*


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

In the matter of the application for the enrollment of Lee Johnson as a citizen by blood of the Cherokee Nation, Cherokee D 2949.

O R D E R.

It appears from an examination of the 1880 authenticated roll of citizens of the Cherokee Nation, that the mother of Lee Johnson is identified thereon, page 364, No. 518, Flint district, as Aki Foster.

It is ordered that this statement be filed with and made a part of the record in the matter of the application for the enrollment of Lee Johnson as a citizen of the Cherokee Nation, Cherokee case D 2949.



Commissioner.

Dated at Muskogee, Indian Territory,  
this NOV 15 1905

C7B

Cherokee D 2949

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

In the matter of the application for the enrollment of  
Lee Johnson as a citizen by blood of the Cherokee Nation.

---:---

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee,  
Indian Territory, on June 30, 1902, Emmet Starr appeared before  
the Commission to the Five Civilized Tribes and made application  
for the enrollment of Lee Johnson as a citizen of the Cherokee  
Nation. Further proceedings in the matter of said application  
were had at Tahlequah, Indian Territory, November 8, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Lee Johnson is  
a Cherokee by blood, and is the son of Aki Foster, whose name  
appears on the Cherokee authenticated tribal roll of 1880, page  
364, Number 518, Flint District; that the said Lee Johnson was  
born in the Cherokee Nation and has always resided therein.  
Said applicant is identified on the Cherokee Strip payment roll  
of 1894, and the Cherokee Census roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in ac-  
cordance with the provisions of section twenty-one of the Act  
of Congress approved June 28, 1898 ( 30 Stat., 495), Lee Johnson  
is entitled to enrollment as a citizen by blood of the Cherokee  
Nation, and his application for enrollment as such is accordingly  
granted.

  
\_\_\_\_\_  
COMMISSIONER

Dated at Muskogee, Indian Territory  
this DEC 28 1905

Cherokee D-2949.

Muskogee, Indian Territory, November 16, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith copy of supplemental testimony of November 8, 1905, in the matter of the application for the enrollment of Lee Johnson, together with a copy of an order of the Commissioner to the Five Civilized Tribes, dated November 15, 1905, making a certain enrollment on the 1880 Cherokee tribal roll a part of the record in said application.

Respectfully,

Incl. S-154

Commissioner.



Cherokee

COPY.

D 2949

Muskegee, Indian Territory, December 28, 1905

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for the enrollment of Lee Johnson as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. You will be required to serve a copy of any protest made upon the principal applicant, and upon your failure to make such protest, this decision will be considered final.

Respectfully,

SIGNED:

*James Bixby.*  
Commissioner

Incl. B-89

Cherokee  
D 2949

COPY

Muskogee, Indian Territory, January 13, 1906.

Daniel Smith,

Stilwell, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, granting the application for the enrollment of your ward, Lee Johnson, as a citizen by blood of the Cherokee Nation.

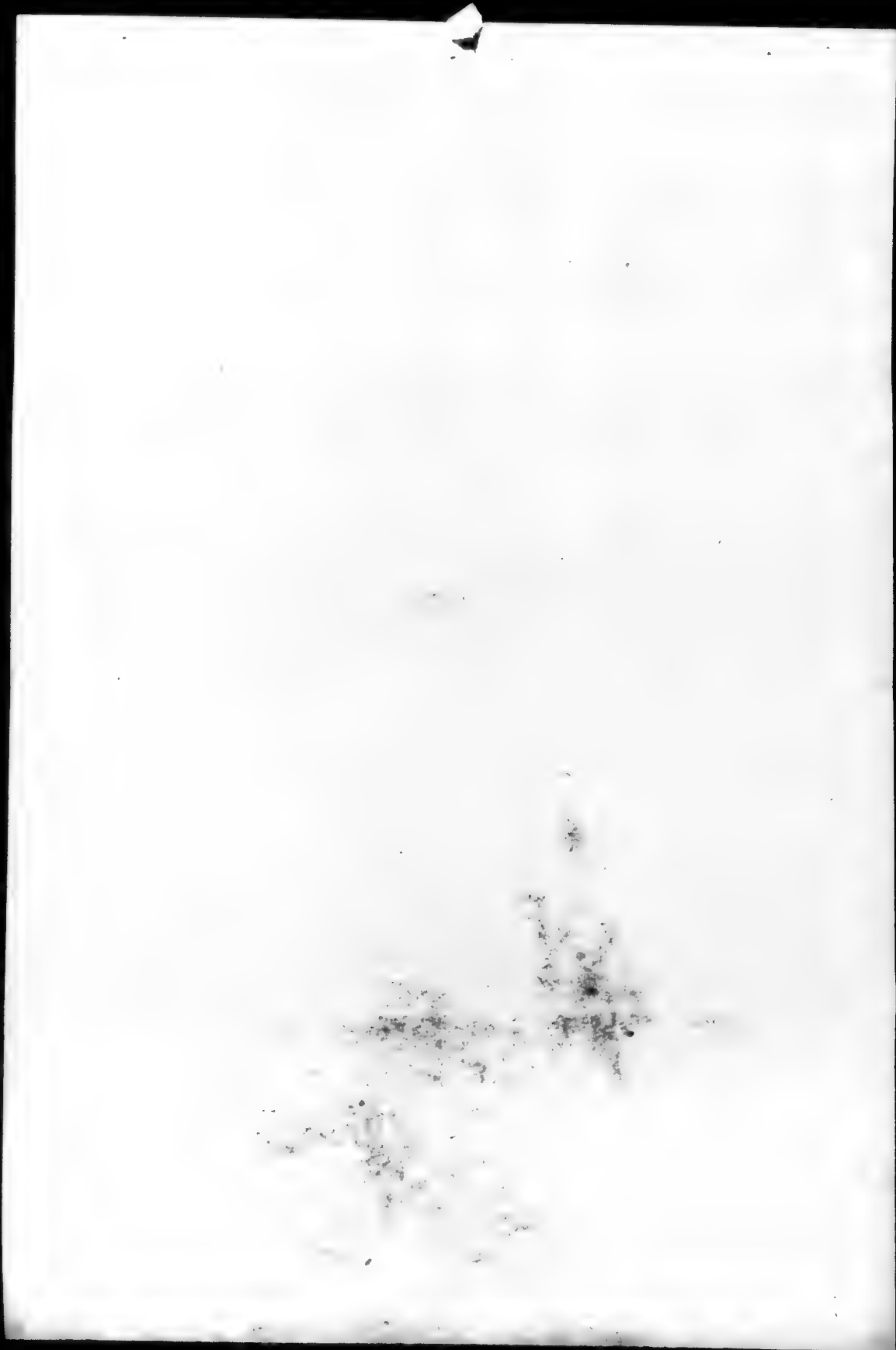
You are advised that no application for an allotment selection in the Cherokee Nation for Lee Johnson can be received until his name shall have been placed upon a schedule of citizens by blood of the Cherokee Nation, and approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

Incl. GL-6.  
GHI

~~COPY~~  
SIGNED: *Tame Bixby.*  
Commissioner.





DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

In re: Duplicate enrollment of Frank or Lee Johnson, Cherokee roll No. 20996 and 32807.

JAN 14 1930

Mr. Simeon E. Farmer,  
Superintendent for the  
Five Civilized Tribes.

Dear Mr. Farmer:

Reference is made herein to the report of the Acting Superintendent for the Five Civilized Tribes, concerning the duplicate enrollment of Frank or Lee Johnson. It appears he was enrolled as Frank Johnson opposite No. 20996 on the final roll of citizens by blood of the Cherokee Indian Nation, and as Lee Johnson on the same final roll opposite No. 32807, the evidence submitted with the report showing that said Frank Johnson and Lee Johnson were one and the same person, and has received his allotment of land and equalization funds under the name of Frank Johnson, roll No. 20996, but had not received any allotment or funds under the name of Lee Johnson, roll No. 32807.

The Assistant Secretary of the Interior on June 7, 1929, approved Indian Office recommendation of the same date that there be placed opposite the name of Lee Johnson at No. 32807, on the above mentioned final roll the notation:

"Duplicate enrollment of No. 20996;  
not entitled to land or money under  
No. 32807".

A copy of Indian Office letter of June 7, 1929, as approved by the Assistant Secretary, is transmitted herewith for your information and guidance, and you are requested to cause proper notation in accordance therewith to be made on the copies of the final roll of citizens by blood of the Cherokee Nation in the possession of your office.

Very truly yours,

*E. M. Meritt*  
Assistant Commissioner

Cher 10966

Roy Elmer Ketchum

Cher 10966

20 Ches 10966

IN RE

Application for Enrollment of

INFANT CHILD

*Myrtle M. Williams*

as a citizen of

*Wisconsin*

Nation.

*J. H.*  
Approved.

JAN 31 1906

190

*[Signature]*

Commissioner.

*Recd July 1, 1902*

*Application for enrollment  
made July 1, 1902 JH*

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JAN 31 1906

*[Signature]*

COMMISSIONER

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Roy Oliver Ketchum born on the 12 day of May, 1902  
(Here insert name of child)  
Name of Father: Watson Ketchum, a citizen of the Cherokee (del) Nation.  
Name of Mother: Minnie Ketchum, a citizen of the Cherokee (del) Nation.  
Post-office, Nowata, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY.  
Northern District. }

I, Minnie Ketchum, on oath state that I am 27  
years of age and a citizen, by blood, of the Cherokee Nation;  
that I am the lawful wife of Watson Ketchum, who is a citizen, by  
blood, of the Cherokee Nation, that a male child was  
(male or female)  
born to me on the 12 day of May, 1902; that said child has been  
named Roy Oliver Ketchum, and is now living.

WITNESSES TO MARK } Minnie Ketchum  
(Must be Two Witnesses) }

Subscribed and sworn to before me this 28 day of June, 1902.  
My Com. Expires, Oct 20, 1903. J. S. Davis NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY.  
Northern District. }

I, Lilly Smith, a midwife, on oath state that I  
attended on Mrs. Minnie Ketchum, wife of Watson Ketchum  
on the 12 day of May, 1902; that there was born to her on  
said date a male child; that said child is now living and is said to have been  
(male or female)  
named Roy Oliver Ketchum.

WITNESSES TO MARK: } Lilly Smith  
(Must be Two Witnesses) } Miss Annie Duple  
Mrs. Emma B. Dorn

Subscribed and sworn to before me this 28 day of June, 1902.  
My Com. Expires Oct 20, 1903. J. S. Davis NOTARY PUBLIC.



DEPARTMENT OF  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

FEB 8 - 1986

*[Handwritten Signature]*  
COMMISSIONER

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 MUSKOGEE, I. T., JANUARY 31, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ROY ELMER KETCHUM as a citizen of the Cherokee Nation of Delaware blood.

WATSON KETCHUM, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Watson Ketchum.  
 Q How old are you? A 44.  
 Q What is your post office? A Oglesby, I. T.  
 Q Did your post office used to be Nowata? A Yes sir.  
 Q What is the name of your father? A My father name is Jacob Ketchum.  
 Q And your mother? A Her name is Nancy.  
 Q Are you a registered Delaware citizen of the Cherokee Nation?  
 A Yes sir.  
 Q Are you married? A Yes sir.  
 Q What is the name of your wife? A Her name is Minnie.  
 Q What was her name before you married her? A Minnie Fish.  
 Q Is she a citizen of the Cherokee Nation? A No sir, her land is out east.  
 Q Is she an Eastern Shawnee? A Yes sir.  
 Q Is she a member of the Eastern Shawnee Tribe of Indians? A She has got a place there, adopted with the Peorias.  
 Q Is she a Peoria by blood or Shawnee by blood? A She is Shawnee, adopted with the Peorias.  
 Q Has she got an allotment of land as a member of the Eastern Shawnee Tribe of Indians living in the Peoria nation? A Yes sir.  
 Q She is upon the roll as an Eastern Shawnee, is she? A Yes sir.  
 Q When were you and she married? A We were married 6th of November.  
 Q What year? A 1904, aint it?  
 Q How long has it been since you married? A It has been about three months.  
 Q You present here a certificate of marriage signed by A. B. Yeager, Justice of Peace in the State of Kansas certifying that on December 6, 1905, he united in matrimony Watson Ketchum of Oglesby, Indian Territory, and Minnie Fish of Oglesby, Indian Territory, are you the person named in this certificate as Watson Ketchum? A Yes sir.  
 Q Is the person to whom you were married on that date your present wife? A Yes sir.  
 Q Were you and she ever married prior to that time? A No sir, but we have been living together for a good while.  
 Q The records of this office show that on July 7, 1902, there was returned to you an affidavit as to the birth on May 12, 1902, of Roy Elmer Ketchum, child of Watson Ketchum and Minnie Ketchum, which affidavit it appears was received at this office on July 1, 1902, are you the father of that child, Roy Elmer Ketchum? A Yes sir.  
 Q Is your present wife Minnie Ketchum, the mother? A Yes sir.  
 Q Had you and your wife been living together before you were married?  
 A Yes sir, we had been living together for a good while.  
 Q For how long? A 10 or 15 years.  
 Q Have you lived together all of the time as husband and wife?  
 A Yes sir.  
 Q Do you recognize this child as yours? A Yes sir, it is my child.  
 Q Have you any reason to believe it is not your child? A No sir.

- Q What degree of Indian blood has Minnie Fish? A I guess she must be about half.
- Q About half Shawnee? A Shawnee and Munsey.
- Q Was your wife ever married to anybody besides you? A Not as I know of.
- Q Did she ever have any children besides this child Roy? A Yes, she had another one by me, older than he is.
- Q Child older or younger than this one? A Older, it died about 3 years ago, no it has been longer than that.
- Q Did the child die before the Dawes Commission began making the Cherokee roll? A Yes sir.
- Q Has she had any other children besides those two? A No sir.
- Q Do you know whether she ever lived with any other man besides you as his wife? A No sir, not as I know of.
- Q You never heard it? A No sir.
- Q Are you and she living together at this time? A Yes sir.
- Q Have you ever been separated since you and she took up together about 10 years ago? A No sir, we didn't separate.
- Q Do you keep house together? A Yes sir, we keep house and sometime I would leave her somewhere and work around awhile.
- Q Is your wife here? A No sir, she is not here.
- Q Was there any form of marriage ceremony gone through when you and your wife took up together? A No sir.
- Q Is this child, Roy Elmer, living at the present time? A Yes sir.
- Q Does he live with you? A Yes sir.
- Q Do you support the child? A Yes sir.
- Q How long had you known your wife before you got acquainted with her? A About a year.
- Q Where had she been living before that? A Been living on Big Creek.
- Q That is in the Cherokee Nation? A Yes sir, staying with her grand-father.
- Q ~~Do you know~~ that she has no children who are enrolled as citizens of the Eastern Shawnee Tribe? A No sir.
- Q Did you ever hear that she had any? A No sir.
- Q Do you think she has any? A I couldn't tell you.
- Q Has this child, Roy Elmer, ever drawn any money from the Peoria Nation? A No sir, he hasn't drawn any money from nowhere.
- Q Did the child get an allotment of land as an Eastern Shawnee in the Peoria nation? A No sir, been keeping him with me all the time.
- Q Are you a full blood Delaware? A Yes sir.
- Q Have you lived in the Cherokee Nation continuously since you came to the Cherokee nation with the Delawares? A Yes sir.

Watson Ketchum, is identified on Delaware roll card No. 106, and his name appears on the roll of Delaware citizens of the Cherokee Nation approved by the Secretary of the Interior, opposite No. 110.

-----oOo-----

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

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

*W. H. White*  
Notary Public.

CERTIFICATE OF MARRIAGE

THIS CERTIFIES THAT Watson Ketchum of Oglesby, State of I. T. and Minnie Fish of Oglesby, State of I. T., were by me UNITED IN MARRIAGE according to the Ordinance of God and the Laws of the State of Kansas at Independence on the Sixth day of December, A. D. 1905.

Witnesses.

A. B. Yeager

Justice of the Peace.

-----oOo-----

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy from the original thereof, and that the same is true and correct as he verily believes.

*Geo. H. Lessley*

Subscribed and sworn to before me this 31st day of January, 1906.

*Myron White*

Notary Public.

RESIDENCE: Cookville, Tenn. DISTRICT: Hamilton  
 POST OFFICE: Ogleby, T.S.

**Cherokee Nation. Cherokee Roll.**  
(Not including Deceaseds, Shamers, or Freedmen.)

CARD NO. \_\_\_\_\_  
 FIELD NO. 10966

Serial	NAME	Relation-ship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.		TRIBAL ENROLLMENT OF PARENTS					
						Year.	District.	No.	Name of Father	Year.	District.	Name of Mother.	Year.
32708	<u>Ketchum, Taylor</u>	<u>2</u>	<u>ma</u>	<u>M</u>	<u>3/4</u>	<u>See Note</u>		<u>21</u>	<u>Wm. Ketchum</u>	<u>1880</u>	<u>Coc</u>	<u>Wm. Ketchum</u>	<u>in city</u>
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
16													

GRANTED  
 APR 19 1906

*Application for enrollment filed May 1, 1906  
 followed May 12, 1906 affidavit filed June 3, 1906*

*See card No. 10966  
 11, 1906  
 listed on this card  
 January 31, 1911*

*Delaware No 106*

0763

Cherokee 10966

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

In the matter of the application for the enrollment of Roy Elmer Ketchum as a citizen of the Cherokee Nation of Delaware blood.

--

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That on July 1, 1902 Watson Ketchum who is identified on the Delaware Roll, Card No. 106, and whose name appears on a roll of Delaware citizens of the Cherokee Nation approved by the secretary of the Interior opposite No. 101, made application to the Commission to the Five Civilized Tribes for the enrollment of his son Roy Elmer Ketchum, as a citizen of the Cherokee Nation of Delaware blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 31, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Roy Elmer Ketchum, is son of the said Watson Ketchum and his wife, Minnie Ketchum, was born in the Cherokee Nation and has continuously resided therein since birth.

Said applicant is too young to appear on any roll of the Cherokee Nation, having been born since the 1896 census roll was made, but is duly identified by a birth affidavit filed herewith and made a part of the record herein.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Roy Elmer Ketchum is entitled to enrollment as a citizen of the Cherokee Nation of Delaware blood, and his application for enrollment as such is accordingly granted.

  
\_\_\_\_\_  
Commissioner

Dated at Muskogee, Indian Territory,

this APR 16 1906

RECEIVED  
JUL 11 1902

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

Delaware-193

Muskogee, Indian Territory, July 7, 1902.

Watson Ketchum,  
Nowata, Indian Territory,

The Commission is in receipt of birth affidavit in the matter of the application for the enrollment as a citizen of the Cherokee Nation of Roy Elmer Ketchum, infant child of yourself and Minnie Ketchum.

When you applied to this Commission for enrollment you said that you were not married. It is presumed, therefore, that you have married since the date of your enrollment, and before the application for the enrollment of this child can be further considered, it will be necessary that you supply the Commission with the original or certified copy of your marriage license and certificate showing your marriage to Minnie Ketchum. Please give this your earliest attention.

Yours truly,



Commissioner in Charge.

Cherokee 966.

Muskogee, Indian Territory, February 8, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, on January 31, 1906, in the matter of the application for the enrollment of Roy Elmer Ketchum, as a citizen of the Cherokee nation of Delaware blood.

Respectfully,

Incl. GL-12.  
GHL

Acting Commissioner.



Cherokee-10966.

Muskogee, Indian Territory, April 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 16, 1906, granting the application for the enrollment of Roy Elmer Ketchum as a citizen of the Cherokee Nation of Delaware blood.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-46

*Wm. B. Beall*  
Acting Commissioner.

Cherokee 10966

Muskogee, Indian Territory, May 7, 1906.

Watson Ketchum,

Oglesby, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 16, 1906, granting the application for the enrollment of your child, Roy Elmer Ketchum, as a citizen by blood of the Cherokee Nation.

You are advised that you will not be permitted to make an allotment selection for your child until its name has been included in a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Acting Commissioner.

Incl.  
MCP-20.

Cher 10967

John Cochran

Cher 10967

0703

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

---

In the matter of the application for the enrollment of

JOHN COCHRAN

as a citizen by blood of the Cherokee Nation.

CHEROKEE D 3164

R  
Cher

D 3164

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,  
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emmet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1898 Cherokee roll,  
their families and descendants:

John Cochran #234 Saline District.

- Q Are there any other persons for whom you desire to make Appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1880  
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the  
Commission to the Five Civilized Tribes, he has read the  
testimony and proceedings had in the above entitled matter and that  
the foregoing is an accurate transcript of his stenographic notes  
thereof.

Subscribed and sworn to before me this December 9, 1902.

*E. C. Bagwell*  
*Belmont*  
Notary Public.

R.  
Cher. D-3164

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tahlequah, I. T., August 15, 1902.

██████████ TESTIMONY AND PROCEEDINGS in the matter of the enrollment of JOHN COCHRAN as a citizen by blood of the Cherokee Nation.

TAYLOR BUCK, being first duly sworn, and being examined, testified as follows:

- BY COMMISSION: What is your name? A Taylor Buck.  
Q How old are you? A Thirty-one.  
Q What is your post office address? A Spavinaw.  
Q You are a recognized citizen by blood of the Cherokee Nation?  
A Yes sir.  
Q Do you desire to give some information in regard to the enrollment of John Cochran as a citizen of the Cherokee Nation? A Yes sir.  
Q Is John Cochran a Cherokee by blood? A Yes sir.  
Q Is he a Cherokee of full blood? A Yes sir.  
Q He is living, is he? A Yes sir.  
Q What is his present post office address? A Either Locust Grove or Rose, I don't know which.  
Q What is the name of the mother of John Cochran? A Eve.  
Q Is she living? A No sir.  
Q Was she a Cherokee by blood? A Yes sir.  
Q What is the name of the father of John Cochran? AA John.  
Q Is he living? A No sir.  
Q Was he a Cherokee by blood? A Yes sir.  
Q How long has John Cochran lived in the Cherokee Nation?  
A All his life. Born and raised in the Cherokee Nation.  
Q In what district were his parents living in 1880?  
A Saline, I think

It is found upon examination of the copy of the 1880 authenticated roll of citizens of the Cherokee Nation formerly in possession of the representative of the Cherokee Nation, that the names of the parents of John Cochran, are identified upon said roll as follows:

Page 623, #235, John Cochran, Saline District.

Page 623, #236, Eve Cochran, Saline District.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 984, #234, John Cochran, Saline District, age 14.

Note: Dead.

- Q John Cochran is living at present, is he? A Yes sir.  
Q There is placed opposite his name a note to the effect that he is now dead. That was a mistake, was it? A That is a mistake. He is living.  
Q Is he recognized as a full blood citizen of the Cherokee Nation?  
A Yes sir.  
Q He has resided in the Cherokee Nation all his life? A Yes sir.

Wm. Hutchinson, 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 the stenographic notes thereof.

Subscribed and sworn to before me this 29th day of August, 1902.

*Wm. Hutchinson*  
*John P. ...*

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JAN 26 1896



COMMISSIONER

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JANUARY 26, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JOHN COCHRAN as a citizen by blood of the Cherokee Nation.

APPEARANCES: Applicant appears in person.  
Cherokee nation, J. . Davenport on behalf of W. W. Hastings.

JOHN COCHRAN, being first duly sworn, testified as follows, through interpreter JASK WOFFORD:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A John Cochran.  
Q How old are you? A I am about 23.  
Q What is your post office? A Rose, I. T.  
Q Are you a full blood Cherokee? A Yes sir.  
Q What is the name of your father? A John Cochran, the same name I have.  
Q Is he living? A No sir.  
Q Was he a full blood? A Yes sir.  
Q What is the name of your mother? A Eva Cochran.  
Q Is your mother living? A No sir.  
Q Was she a full blood Cherokee? A Yes sir.  
Q You reside in Saline District? A Yes sir.  
Q Have you ever made your home outside of the Cherokee Nation?  
A No sir.  
Q Lived in the Nation all of your life? A Yes sir.  
Q What is the reason you never applied for enrollment as a citizen of the Cherokee Nation? A I thought my name was on the roll all of the time, the people that raised me never had said anything to me about my enrollment.  
Q With whom were you raised? A Ben Henry.  
Q Is he a Cherokee? A Yes sir.  
Q Were you ever known by any other name besides John Cochran?  
A No sir.  
Q How long has your father been dead? A He died in 1894, in August 4th or 5th.  
Q How long has your mother been dead? A I couldn't say.  
Q She died when you were small? A Yes sir.  
Q Did your father and mother live in Saline District all their lives? A Yes sir.  
Q Have you any older brothers and sisters? A I have a sister living and brother dead.  
Q What was your brother's name? A Arch Cochran.  
Q Was he older than you? A Yes sir.  
Q What is your sister's name? A Sarah.  
Q Is she older than you? A Yes sir.  
Q Did Arch and Sarah have the same father and same mother as you?  
A Yes sir.

The applicant's father and mother are identified on the 1880 Authenticated roll of citizens of the Cherokee Nation, page 623, as John and Eva Cochran, opposite No. 235, and 236, respectively, Native Cherokees, 25 and 24 years of age. The applicant's older brother is also identified thereon on page 621, No. 237 as Arch Cochran, and his sister as Sarah Cochran, opposite No. 238.



- Q Are you married John? A No sir.  
Q Got no children? A No sir.

W I T N E S S E X C U S E D .

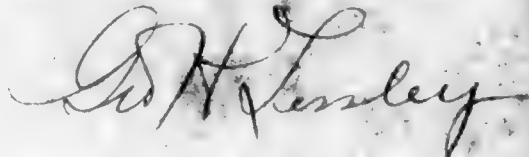
SUSIE B. CORNELIUS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

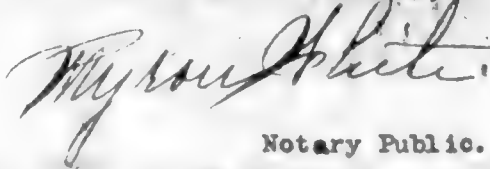
- Q What is your name? A Susie B. Cornelius.  
Q How old are you? A 32.  
Q What is your post office? A Rose, I. T.  
Q Do you know the applicant, John Cochran? A I know him, knew him ever since he was a little boy, knew his father well.  
Q Has he lived in the Cherokee Nation continuously all of his life?  
A Yes sir.  
Q Do you know why application has never been made for his enrollment as a citizen of the Cherokee Nation? A Yes sir, the reason why he was raised by Ben Henry and Ben Henry is one of the Night Hawks and I expect that is the reason why they never applied for him.  
Q Did Ben Henry make application for his enrollment? A I don't think he has, he is a Night Hawk yet.

-----o o-----

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 26th day of January, 1906.



Notary Public.

C7B

Cherokee D 3164

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

In the matter of the application for the enrollment of  
John Cochran as a citizen by blood of the Cherokee Nation.

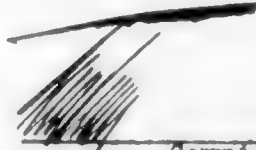
D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee,  
Indian Territory, on June 30, 1902, Emmet Starr appeared before  
the Commission to the Five Civilized Tribes and made application  
for the enrollment of John Cochran, who is identified on the Chero-  
kee census roll of 1896, No. 234, Saline District, as a citizen  
of the Cherokee Nation. Further proceedings in the matter of  
said application were had at Tahlequah, Indian Territory, August  
15, 1902, and at Muskogee, Indian Territory, January 26, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant  
herein is a Cherokee by blood, and is the son of John and Eva  
Cockram, who are identified on the Cherokee authenticated tribal  
roll of 1880, page 623, opposite numbers 235 and 236, respective-  
ly.

The evidence further shows that said applicant was born  
in the Cherokee Nation and has continuously resided therein since  
birth.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accord-  
ance with the provisions of Section Twenty-one of the Act of Con-  
gress approved June 28, 1898 ( 30 Stat., 495), John Cochran is  
entitled to enrollment as a citizen by blood of the Cherokee Na-  
tion, and his application for enrollment as such is accordingly  
granted.



Commissioner

Dated at Muskogee, Indian Territory

this FEB 19 1906

COPY

Cherokee  
D 3164

COPY.

Muskogee, Indian Territory, February 19, 1906.

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, granting the application for the enrollment of John Cochran as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be given fifteen days from date hereof to file such protest as you may desire against the action of the Commissioner in this case. If you fail to file protest within the time allowed, the decision of this office will be considered final.

Respectfully,

*Wm. O. Beall*  
Acting Commissioner.

Incl. GI-84.  
GHL

Cherokee D-3164.

Muskogee, Indian Territory, March 10, 1906.

John Cochran,

Rose, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, granting the application for your enrollment as a citizen by blood of the Cherokee Nation.

You are advised that you will not be permitted to make an allotment selection until your name has been placed on 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,

Incl. S-60

Acting Commissioner.

Cher 10968

Samuel Wheeler

Trans. from D1688

Cher 10968

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

---

In the matter of the application for the enrollment of

SAMUEL WHEELER

as a citizen by adoption of the Cherokee Nation.

---

CHEROKEE D 1688

R  
Cher D 1633

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLITT, ET AL.,  
for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission,  
testified as follows:

Q What is your name? A Ernest Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1880  
Cherokee roll, their families and their descendants:

Samuel Wheeler, page 127, § 2007, § Delaware District;  
Adopted White.  
Also on 1896 roll, page 202, § 200, Delaware District;  
Ad. White. Name: "Married man".

E. C. Bagwell, on oath states that, as stenographer to the  
Commission to the Five Civilized Tribes, he correctly recorded the  
testimony and proceedings in the above entitled cases, and that  
the foregoing is an accurate transcript of his stenographic notes  
thereof.

Subscribed and sworn to before me this 19 day of July, 1902.

*E. C. Bagwell*  
*[Signature]*

R.  
Cher. D-1688.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tahlequah, I. T., August 23, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of SAMUEL WHEELER as a citizen by intermarriage of the Cherokee Nation.

O. A. SMITH, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: Your name is O. A. Smith, your age is thirty-four, your post office address is Fairland, I. T. S. Yes sir.

Q You are a recognized citizen by blood of the Cherokee Nation?

A Yes sir.

Q Do you know Samuel Wheeler, a white man? A Yes sir.

Q Is he living? A He is.

Q What is his post office address? A Bluejacket, I. T.

Q Does he reside in Delaware District? A Yes sir.

Q He is a man now about sixty-six years of age? A Yes sir, about that age.

Q Was he married to a citizen by blood of the Cherokee Nation?

A Yes sir.

Q Do you know the name of his Cherokee wife? A I do not.

Q Is she living? A She is dead. She was a Shawnee.

Q Has he married since the death of his Shawnee wife? A I understand that he has.

W Do you know the name of his present wife? A I do not.

Q Do you know whether or not she is a white woman? A I understand that she is.

Q About how long has it been since he married this white woman?

A It has been I think about four or five years. I am not sure.

Q How far do you live from Samuel Wheeler? A I live about fifteen miles.

Q Is he recognized now as a citizen by intermarriage of the Cherokee Nation? A No sir, he is not.

Q Do you know whether his present wife was ever married before she married him? A No, I don't know.

Q Is it a matter of neighborhood knowledge that he has forfeited his citizenship by reason of his intermarriage to a non-citizen?

A Yes sir.

Q Has he always voted in all the elections up there until recently?

A At the last election I understand that he could not vote on account of his marriage? That is the first intimation I had that he was married.

Q He was not permitted to vote in this last election on August 7th?

A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 337, #2922, Samuel Wheeler, Delaware District, age 44.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 593, #590, Samuel Wheeler, Delaware District, age 51.

Note: Married out.



Cher. D-1688. 228-2.

Wm. Hutchinson, 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 the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 8th day of September, 1902.

John P. Carson  
Notary Public.

Vinita Indian Territory, 7/24/1905

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES  
one copy of the testimony in Application for surveillance  
of Samuel Wheeler Cherokee D. K. S. S.

J. E. McCulloch  
Attorney for Applicant.

21688

**FILED**  
APR 17 1905  
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
April 17, 1905, Muskogee, Indian Territory.

-----  
In the matter of the application for the enrollment of  
Samuel Wheeler as a citizen by intermarriage of the Cherokee Nation.

-----  
Applicant represented by George E. McCulloch, Vinita, I.T.  
COMMISSION.

-----  
Samuel Wheeler, being duly sworn, testified as follows:

COMMISSION:

- Q. What is your name? A. Samuel Wheeler.  
Q. How old are you? A. Going on 70.  
Q. What is your post office address? A. Chetopa, Kansas.  
Q. Are you a white man? A. I am an adopted citizen.  
Q. You claim no rights as a Cherokee by blood? A. No sir.  
Q. You claim by intermarriage? A. I am adopted.  
Q. You claim by intermarriage? A. Yes sir.  
Q. What is the name of the Cherokee spouse through whom you claim your right as a Cherokee citizen? A. She was a Shawnee. Her name was Mary Ann Fish.  
Q. Was she of Shawnee blood? A. Yes sir.  
Q. When were you married to her? A. I don't recollect, it has been so long ago.  
Q. About how long ago? What is your best judgment of how long ago it has been? A. I was married before they made the treaty with the Cherokees.  
Q. There were several treaties made with the Cherokees. Have you been married as much as 30 years? A. Yes sir, worse than that.  
Q. Was she your first wife? A. Yes sir.  
Q. Were you her first husband? A. Yes sir.  
Q. Where were you married to her? A. In Kansas.  
Q. Were you both living in Kansas at that time? A. Yes sir.  
Q. When did you move to the Cherokee Nation? A. In '70.  
Q. Along with the other Shawnees? A. Yes sir.  
Q. Is she dead? A. Yes sir.  
Q. When did she die? A. About five or six years ago.  
Q. Have you any children by her? A. Yes sir.  
Q. What are their names? A. Tolbert is the boy, and the girls are Julia and Louisa. They are all living, and I have two dead.  
Q. Tolbert, the son-- is he living? A. Yes sir.  
Q. Julia-- is she living? A. Yes sir.  
Q. What is her name? A. Julia Wheeler.  
Q. Isn't she married? A. Yes sir.  
Q. What is her name now? A. Gamble.  
Q. What is the name of the other child? A. Louisa.  
Q. Is she married? A. Yes sir.  
Q. What is her name? A. Gamble, too. They married brothers.

- Q. Are these three living? A. Yes sir.
- Q. Since you came with the Shawnees in 1870 where have you lived?  
A. In the Cherokee Nation ever since.
- Q. Lived continuously in the Cherokee Nation? A. Yes sir.
- Q. Lived nowhere else? A. No sir.
- Q. Did you and your Indian wife live together as husband and wife up until her death? A. Yes sir.
- Q. Was there any separation, abandonment, or divorce between you?  
A. No sir.
- Q. Since her death have you remarried? A. Yes sir, I have married once since she died, and she is gone.
- Q. When did you marry? A. About three or four years ago,, but I am by myself now.
- Q. Who did you marry the second time? A. She claimed to be Annie Hanniss. She claimed to be a Cherokee. I don't know about that only what she told me, I just took her word for that. Her name was Hanniss.
- Q. Did she ever apply to the Commission as a Cherokee? A. I don't know.
- Q. Do you know what month and year it was that you married this second wife? A. About three years ago is when I married her.
- Q. Don't you know what month of the year it was? A. I don't recollect.
- Q. Have your children ever been recognized as Cherokees of Shawnee blood? A. They have the same titles that the Shawnees have.
- Q. Have they been recognized? A. Yes sir. My son filed here the other day.
- Q. Is that your son (indicating a man beside witness)? A. No sir, he is at home. They have every one been recognized as Cherokees, and they have never found no fault with me as a Cherokee.

(Tolbert Wheeler, the son of the applicant by his Shawnee wife, is identified upon Field Card No. 4058, and is No. 9795 upon the final roll.)

WITNESS EXCUSED.

John A. Mills, being duly sworn, testified as follows:

- Q. What is your name? A. John A. Mills.
- Q. You are a Cherokee by blood? A. I am a Shawnee.
- Q. What is your post office address? A. Welch.
- Q. How old are you? A. 44.
- Q. Do you know Samuel Wheeler? A. Yes sir.
- Q. You know that he is recognized as an intermarried Shawnee? A. Yes sir.
- Q. What do you know about his second marriage? A. I know he had a woman there that he lived with until about --- well, I think he lived with her about a year and a half or two years.
- Q. When was he married? A. Near four years ago.
- Q. Where was he married? A. Near Welch.
- Q. Did you know his wife? A. No sir.
- Q. Did you ever see her? A. No sir.
- Q. Do you know whether Samuel Wheeler has lived in the Cherokee Nation? A. Yes sir he has.
- Q. For how long have you known of his living in the Cherokee Nation?  
A. Since '71.
- Q. What was his first wife's maiden name? A. I couldn't tell you. She went by the name of Mary Ann.

WITNESS EXCUSED.

Samuel Wheeler recalled.

- Q. How many times have you been married? A. Twice.  
Q. The first time was Mary Ann? A. Yes sir.  
Q. And the next was Annie Hanniss? A. Yes sir,  
Q. Where was she living? A. At Timbered Hills.  
Q. Did you vote in the last election of the Cherokee Nation? A.  
Yes sir, I voted every time.  
Q. Did you vote three years ago, in 1902, on the treaty? A. Yes  
sir.  
Q. Didn't they object to your voting because you had married out?  
A. No sir, they didn't. I voted at all the elections.  
Q. Do you know O. A. Smith? A. An attorney at Vinita?  
Q. No? A. No sir, I don't know him. I know the lawyer, Smith,  
of Vinita.

WITNESS EXCUSED.

-----

Eula Jeanes Branson, being duly sworn, states that,  
as stenographer to the Commission to the Five Civilized Tribes, she  
reported the proceedings had in the above entitled cause on the  
17th. day of April, 1905, and that the above and foregoing is a full  
and complete transcript of her stenographic notes taken in said cause  
on said date.

*Eula Jeanes Branson*

Subscribed and sworn to before me this the 17th. day of April, 1905.

*Myron White*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JAN 15 1895



COMMISSIONER

  
Cherokee D 1688.

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

In the matter of the application for the enrollment of Samuel Wheeler as a citizen by adoption of the Cherokee Nation.

O R D E R .

It is shown by an examination of the Register of the names of Shawnee Indians who elected to remove to and locate in the Cherokee nation in accordance with the provisions of the agreement entered into by and between the Shawnee and Cherokee Tribes of Indians on June 7, 1869, and approved by the President June 9, 1869, that the name of Samuel Wheeler is identified thereon opposite No. 733 with the members of his family, namely, his wife, Mary Ann Wheeler, and children, Sarah, Julia, Louisa, Talbert, and Mary Jane Wheeler.

IT IS ORDERED that this statement be filed with and made a part of the record in the matter of the application for the enrollment of said Samuel Wheeler.

  
Dated at Muskogee, Indian Territory,      Commissioner.

this                JAN 15 1906



CTB

Cherokee D 1688

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

---

In the matter of the application for the enrollment of Samuel Wheeler as a citizen by adoption of the Cherokee Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That, on June 30, 1902, at Muskogee, Indian Territory, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Samuel Wheeler as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, August 23, 1902, and at Muskogee, Indian Territory, April 17, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Samuel Wheeler was married prior to 1870 to one Mary Ann Fish, a Shawnee Indian; that in 1870 he, with his wife, removed to the Cherokee Nation, in accordance with the terms of the Cherokee-Shawnee agreement concluded June 7, 1869 and approved by the President June 9, 1869, and the evidence further shows that since his removal to the Cherokee Nation in 1870, the said Samuel Wheeler has continuously resided therein. Said applicant is duly identified on the Shawnee Register, the Cherokee authenticated tribal roll of 1880, and the Cherokee-Shawnee pay roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of section Twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), Samuel Wheeler is entitled to enrollment as a citizen by adoption of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

  
\_\_\_\_\_  
Commissioner

Dated at Muskogee, Indian Territory

this     FEB 26 1906

J 1688

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE REDUCED TRIGL

MAR 21 1903

CHAIRMAN

Cherokee D-1688

Muskogee, Indian Territory, March 20th, 1903.

Samuel Wheeler,  
Bluejacket, Indian Territory.

Dear Sir:

You are hereby notified that application has been made for your enrollment as a citizen by intermarriage of the Cherokee Nation. In order to determine your right to participate in the allotment of lands in the Cherokee Nation, the Commission desires to be furnished with the following information:--

Were you married under a Cherokee marriage license?

Give the date of the marriage under which you claim citizenship and the name of your Cherokee wife, and state whether you are still living with her.

If your Cherokee wife is dead, or if you are divorced, state whether you afterwards married a white woman, giving her name at the time you married her and the date of such marriage.

If you desire to introduce evidence in support of the application made for your enrollment, please so state in your reply to this letter, and if such evidence is considered necessary you will be notified when and where to appear before the Commission.

A return envelope is herewith enclosed and, as the matter is important, you are urged to give the same your immediate attention.

Respectfully,

Enc. Return Envelope.

Chairman.

COPY.

Cherokee D 1688.

Muskogee, Indian Territory, April 21, 1905.

George E. McCulloch,  
Attorney for Samuel Wheeler,  
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on April 17, 1905, in the matter of the application for the enrollment of Samuel Wheeler as a citizen of the Cherokee Nation, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Incl. 8-85

SIGNED: *Tams Blaby*  
Chairman.

Cherokee  
D 1688

Muskogee, Indian Territory, January 16, 1906.

George E. McCullouch,  
Attorney for Samuel Wheeler,  
Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, making the enrollment of Samuel Wheeler on the Shawnee Register a part of the record in the matter of the application for his enrollment as a citizen by adoption of the Cherokee Nation.

Respectfully,

Incl. GL-30.  
GHL

Commissioner.

Muskogee, Indian Territory, January 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, making the enrollment of Samuel Wheeler on the Shawnee Register a part of the record in the matter of the application for his enrollment as a citizen by adoption of the Cherokee Nation.

There is also inclosed herewith a copy of an order of the Commissioner, dated January 15, 1906, making the enrollment of Jim Wolfe on the Wallace roll of Shawnee citizens of the Cherokee Nation a part of the record in the matter of the application for his enrollment as a citizen of the Cherokee Nation of Shawnee blood.

There is also inclosed a copy of supplemental proceedings of January 8, 1906, in the matter of the application for the enrollment of John Herran as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. GL-31.  
GHL

Commissioner.

Cherokee D-1688

Muskogee, Indian Territory, January 25, 1906.

George E. McCulloch,  
Attorney for Samuel Wheeler,  
Vinita, Indian Territory.

Dear Sir:

In reply to your letter of January 20, you are advised that your client, Samuel Wheeler, cannot be permitted to select an allotment of land in the Cherokee Nation until his name shall have been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior. You and he will be advised of any further action taken with reference to his citizenship case.

Respectfully,

LS

Commissioner.

Cherokee D-1688

COPY.

Muskogee, Indian Territory, February 26, 1906.

V. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1906, granting the application for the enrollment of Samuel Wheeler as a citizen by adoption of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

SIGNED:

*Wm O Beall*  
Acting Commissioner.

Incl. S-41



REFER IN REPLY TO THE FOLLOWING:  
Cherokee D-1688.

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

Muskogee, Indian Territory, March 19, 1906.

Samuel Wheeler,

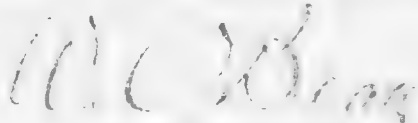
Bluejacket, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1906, granting the application for your enrollment as a citizen by adoption of the Cherokee Nation.

You are 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,



Acting Commissioner.

Incl. S-58

Cherokee D-1688.

COPY.

Muskogee, Indian Territory, March 19, 1906.

George E. McCulloch,  
Attorney for Samuel Wheeler,  
Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1906, granting the application for the enrollment of Samuel Wheeler as a citizen by adoption of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

Respectfully,

Incl. 8-59

SIGNED

*Wm. O. Beale*  
Acting Commissioner.

Department of the Interior.

Commissioner of the Fish and Game Service.

MUSKOCOE, IND. TER.



Cher 10969

Augustus L. Rogers

Trans. from R 753

Cher 10969

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE OPENED AND SEIZED TRAILS

FILED  
NOV 17 1891

NO CHAIRMAN

RECORDED & INDEXED

RECORDED & INDEXED

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., OCTOBER 29th, 1901.

In the matter of the application of Augustus L. Rogers for the enrollment of himself and seven children as Cherokee citizens by blood; said Rogers being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Augustus L. Rogers.  
Q How old are you? A 52.  
Q What is your post office? A Chelsea.  
Q What district do you live in? A Cowatoocowee.  
Q Do you apply to be enrolled as a Cherokee? A Yes, sir.  
Q Who do you want to enroll besides yourself? A My children.  
Q How many children? A There is eight, sir.  
Q And yourself? A Yes, sir.  
Q Well, give me their names? A Mary E. Rogers.  
Q Now, I don't want any that is of age, all that are of age will have to apply for themselves? A Well leave that out then; Mary May Rogers.  
Q How old is she? A She is 20 years old.  
Q The next one? A John William Rogers.  
Q How old is he? A 18.  
Q The next one? A Louise E. Rogers; 05; Ruth A. Rogers.  
Q How old is Ruth? A Nine years.  
Q Next one? A Robert Carl.  
Q How old is he? A Six years old; James Clarence, six.  
Q Are these children all living at this time? A Yes, sir.  
Q Is your name upon any of the rolls of the Cherokee Nation?  
A Yes, sir.  
Q What roll? A I was ~~rejected~~ readmitted in roll of '86 I believe.

Tribal Rolls in the possession of this Commission examined and names of applicants not found thereon.

- Q Did you draw strip money? A No, sir.  
Q Never have drawn any money? A No, sir.  
Q Then your name is not on any of the rolls of the Cherokee Nation,  
A You will find my name, sir, on the roll of '51.  
Q Have you lived continuously in the Cherokee Nation since 1896?  
A No, sir, I have not.  
Q Well, where have you? A Through the advise of my Physician I carried my family back to Georgia.  
Q Do you live in Georgia now? A Yes, sir.  
Q You and your family are living in Georgia? A Yes, sir.  
Q You never have lived in the Cherokee Nation? A No, sir, I moved my family here.

- Mr. Hastings, Cherokee Representative:  
Q When did you move your family here? A I moved in '86 or '88.  
Q Don't you know which? A '96.  
Q What time in '96? A Moved here in March.  
Q How long did you stay here? A I stayed here six months.  
Q How long did your family stay? A They stayed four months.  
Q And then you went back to Georgia? A Yes, sir.  
Q You have been there ever since? A Yes, sir, I came back  
Q This time to enroll? A No, sir, I have been back here every year.  
Q But you and your family have lived in Georgia? A Yes, sir.  
Q When did you come from Georgia this time? A I came eight or ten days ago, sir.  
Q Where were you in the year '99? Georgia? A Yes, sir.

Com'r Needles: Augustus L. Rogers and his children were admitted as citizens by blood, having been admitted under the Act of 1896, and having come to the Nation before the expiration of six months after 1896.

J. F. COX, Attorney for Applicants:

Q I will ask you if you left any part of your effects here when you went back to Georgia? A Yes, sir, I left household goods, farm.

Q Where did you leave the household goods? A In Chelsea.

Q I will ask you if you have owned a farm in the Cherokee Nation ever since? A Yes, sir.

Q Soon after you came here? A Yes, sir.

Q I will ask you if you didn't return to Georgia with your family on account of the health of your family on the advice of your physician? A Yes, sir.

Q I will ask you if your Physician didn't advise you that your family could not stand this climate? A Yes, sir.

Q Who was your physician? A Dr. Dickson.

Q I will ask you if you intended to return to the Territory as soon as the health of your family would permit?

Mr. Hastings: I object to that.

Com'r Needles: I don't think there is any objection to the question; it don't make any difference whether he intended to return or not, since he is here; let him answer.

A Yes, sir.

Q I will ask you if you acquired citizenship, or in any way had anything to do with the Government affairs of the State of Georgia since you returned back there? A No, sir.

Q Have you voted? A No, sir.

Q Your home has been in the Cherokee Nation.

(Objected to by Mr. Hastings; overruled by the Commissioner.)

Q What have you done since you returned to the state of Georgia, Mr. Rogers? A Well, sir, I have been working to make a living for my family.

Q Labored at whatever you could get to do? A Yes, sir.

Q I believe you stated that you left household goods at Chelsea?

A Yes, sir.

MR. HASTINGS: What household effects did you leave at Chelsea? A I left household goods.

Q What were they? A Chairs and a stove.

Q When did you leave them there? A I left them there when I went back.

Q Who did you leave them with? A Mr. Ozier.

Q Now, what would be the value of those chairs and stove?

A I don't know.

Q How many chairs? A There was, I think maybe dozen and a half of chairs.

Q And a stove? A Yes, sir.

Q Cook stove? A No, sir, heating stove.

Q Whom did you purchase the farm off? A E. D. Pannington.

Q How much farm was it? A Something over 200 acres.

Q At that time? A Yes, sir.

Q In cultivation? A No, sir, I don't think there was that much in cultivation.

Q How much in cultivation? A About 50 acres.

Q You have had it leased ever since? A Yes, sir.

Q You have never got any rents from it? A No, sir.

Q It had a lease on it when I got it.

Q What did you give for it? A Fifty dollars.

Q It has been under lease for 17 or 18 years? A Yes, sir.

Q What year did you get it? A I got it when I came here.

Q Have you a copy of the Bill of Sale? A Yes, sir.

Q Let's see it?

Q Did you go out on the place? A Yes, sir.

Q You saw it then did you? A Yes, sir.

Q Never been turned over to it? A No, sir.

Q White man has been in charge? A Yes, sir.

Augustus L. Roberts, et al.--3.

COM'R NEEDLES: You say, Mr. Rogers, these children are all living at this time? A Yes, sir.  
Q Are you married? A Yes sir.  
Q Is your wife a citizen? A She is not by blood.  
Q She is a white woman? A Yes, sir.  
Q You don't apply for your wife? A No, sir, I haven't.  
Q Where are these children living now, in the state of Georgia?  
A Yes, sir.

Com'r Needles: Augustus L. Rogers applies for the enrollment of himself and six children, to-wit: Mary M. John W., Ruth A., Robert C. James C. He cannot be identified upon any of the rolls of the Cherokee Nation. Upon examination of the records of this Commission it is found that on the 9th day of September, 1896, on page 411, Docket "B", the said Augustus L. Rogers applied for the admittance of himself and family under the provisions of the Act of June 10th, 1896, and that himself and children, as enumerated herein, were admitted as citizens by blood; the judgment stating that they had been admitted by the Act of Cherokee Council on the 8th of December 1896. The testimony develops the fact that the said Rogers has not resided in the Cherokee Nation since that date, and that he did not reside here on the 28th day of June, 1898. For further facts as to his residence reference is made to his testimony. Said Augustus L. Rogers and his six children will now be listed for enrollment as Cherokee citizens upon a doubtful card awaiting further consideration of the Commission.

---0000000000---

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

*J. Rosson*

Subscribed and sworn to before me this November 8th, 1901.

*[Signature]*

Commissioner.



B  
D1245

RECEIVED  
COMMISSIONER OF THE  
GENERAL INVESTIGATIVE  
DIVISION  
NOV 8 1901

General Investigative Division  
Washington, D. C.  
November 8, 1901  
Dear Sir:  
I have the honor to acknowledge the receipt of your letter of the 6th inst. in relation to the case of the late John D. Rockefeller, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.  
Very respectfully,  
Commissioner of the General Investigative Division

RECEIVED  
NOV 8 1901  
GENERAL INVESTIGATIVE DIVISION  
WASHINGTON, D. C.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 29, 1901.

In the matter of the application of Augustus L. Rogers et al.  
for enrollment as citizens of the Cherokee Nation.

Supplemental testimony on behalf of the applicants;

Appearances:

J. D. Cox, attorney for applicants;

W. W. Hastings, of counsel for Cherokee Nation.

THOMAS B. DICKSON, being duly sworn by Commissioner Needles,  
testified as follows:

Mr. Cox: What is your name? A Thomas B. Dickson.

Q Where do you reside? A Chelsea, Indian Territory.

Q How long have you lived there? A I came there in 1889.

Q What is your business? A Practice of medicine.

Q What was your business from 1889 to the present time? A Prac-  
tice of medicine.

Q Are you a graduate of any school? A Memphis, Tennessee.

Q Are you acquainted with Augustus L. Rogers? A Yes, sir, I am.

Q You can state whether you were his family physician in 1895 or '6  
or not? A Yes, sir, the first practice I did for him was May 8,  
1895.

Q State what you did? A The first work I did for him was to wait  
on his wife in a case of confinement.

Q Delivered her of twins, did you now? A I did.

Q Well, what was the condition of her health from that time as  
long as you knew them at Chelsea? A Her condition at the time I  
was called to her was somewhat critical, seemingly, as she was suf-  
fering at the time in connection with confinement - -

Mr. Hastings: He wants to know her general condition  
afterwards, and not any temporary sickness.

Commissioner: That is what we want to know, her general  
health.

A Her health was bad.

Q I will ask whether or not you advised Mr. Rogers to take her  
out of this climate, that she couldn't stand the climate; if so,  
state in your own way why you did so? A I told Mr. Rogers that I  
thought the climate wasn't agreeing with her at all inasmuch as  
she was suffering after confinement with what we call dropsical ef-  
fusion of the extremities and having weak lungs; now there is several  
things connected with the case that might bring to bear more plainly  
her condition, but possibly it would be a little bit critical to  
mention all of them; suffice to say that she was in bad health; the  
leading feature in her case was dropsy; I wasn't very much surprised  
at it prior to confinement but I was seeing that it still remained  
after confinement, in that I gathered that it wasn't a temporary affair,  
~~and~~

Q And on account of her general condition you advised Mr. Rogers  
to take her out of this climate? A I did, I believe that was about  
the substance of my advice.

Q What is your citizenship, doctor; are you a citizen of the  
Cherokee Nation or of the United States? A I am a citizen of the  
Cherokee Nation.

Q How long have you been a citizen of the Cherokee Nation? A Since  
March 24, 1891, I believe; it pushes me to recall about our marriage,  
I don't know anything about my children at all unless I get the re-  
cord from my wife.

Q I believe you stated Mr. Rogers was living at  
time you treated his wife? A Yes, sir, when I was  
he was living at Chelsea.

Mr. Hastings: How long had he been living there? A Not very long.

I don't know just exactly the date.

Q How long did he live there after you advised him of the bad condition of his wife's health? A I don't know just the date but not very long afterwards.

Q You acquainted with the climate back in Georgia where he went?

A Yes, sir.

Q You ever live there? A I was born there.

Q In the same place that he came from; that he is living now?

A Near there, I believe it is the adjoining county, Gordon County, is where I was born.

Q What is wrong with this climate with reference to a person who had a disease such as she had? A Well there is a peculiar susceptibility on the part of some to malarial toxins; I don't know where she got it; I know she was suffering with it at the time she was confined, and as bad as her condition was it grew worse after confinement; it seemed like this malaria had an additional effect severe on her system, on her ~~susceptibility~~ constitution, it seemed like medicine didn't have the desired effect in removing it.

Q Is it your judgment, doctor, that the whole of the Cherokee Nation would make her susceptible to these malarial conditions that you describe? A Well that would be a little hard to answer; I just look upon that in this way: there is some persons that is very peculiarly susceptible to malarial atmospheres, to western climate: where they have a delicate constitution and have been raised in a different atmosphere to this west of the Mississippi river; well ninety per cent will throw off this malaria and never suffer any injurious effects from it, though you will see one come along, male or female, and with the least little thing to lower vitality it just gets hold of them in such a way that it seems to have quite a demoralizing effect on the nervous system.

Q Doctor, you or your wife any relation to this applicant?

A None whatever, no, sir.

Q You don't know her condition as to health now? A No, sir, I don't know a thing about it; I never ordered Mr. Rogers to go back to Georgia that I recollect, but I told him I didn't think this climate would agree with his wife, and I believe they moved home not a great while after; I told him the best thing he could do was to travel with her or get her out of this climate for a while.

Q For a while? A Yes, sir.

Mr. Cox: What you know of the climate in the State of Georgia, taking in consideration her condition at the time you treated her, do you or do you not consider it was a favorable climate to her?

A Only in this way: she was raised there as I understood and acclimated to the climate, while I didn't consider her so in this country.

Q Well this is a very much more malarial climate than that? A It is so considered.

Mr. Cox: Now I would like to take some depositions as to the condition of the applicant in the State of Georgia if Mr. Hastings will agree to it.

Commissioner: This testimony will be filed.

\*\*\*\*\*

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 20th day of July, 1901.

*Bruce S. Jones*  
*[Signature]*  
Commissioner.

D 11248

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER OF THE FIVE CIVILIZED TRIBE  
M. I. D. I.  
OCT 29 1901

  
ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

Date Oct 29 1904

1. Name Augustine L. Rogers Chulsea 97

District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood Yes 1/2 Mother's citizenship Wm Rogers dead

Intermarried citizen Co. Louisa non city

Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_

License \_\_\_\_\_ Certificate \_\_\_\_\_

Wife's name Dorothy

District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen Julia A Rogers non city

Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_

License \_\_\_\_\_ Certificate \_\_\_\_\_

Names of Children:

No.	Name	Dist.	Year	Page	No.	Age
2.	Mary M. Rogers					20
3.	John W.					18
4.	Louis E.					15
5.	Ruth A.					9
6.	Robert L.					6
7.	James L.					6

Application by No. 1.

Stenographer J. O. Rosson.

Applicant represented by Atty G. B. Hart. Hagoner St.

D

21248.

Enclom 12

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

FILED

OCT 29 1901



ACTING CHAIRMAN.

*J. D. Cochran*  
DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

*Augustus L. Rogers et al.*

vs.

NO. 5384

CHEROKEE

Nation.

FOOT SOUTH ARK NOV 21  
VINITA, IND. TER.,

1896.

SIR:

In compliance with the provisions of Act of Congress,

Approved June 10, 1896, the Commission to the Five Civilized

Tribes has considered this application, with proof, and the

same has been

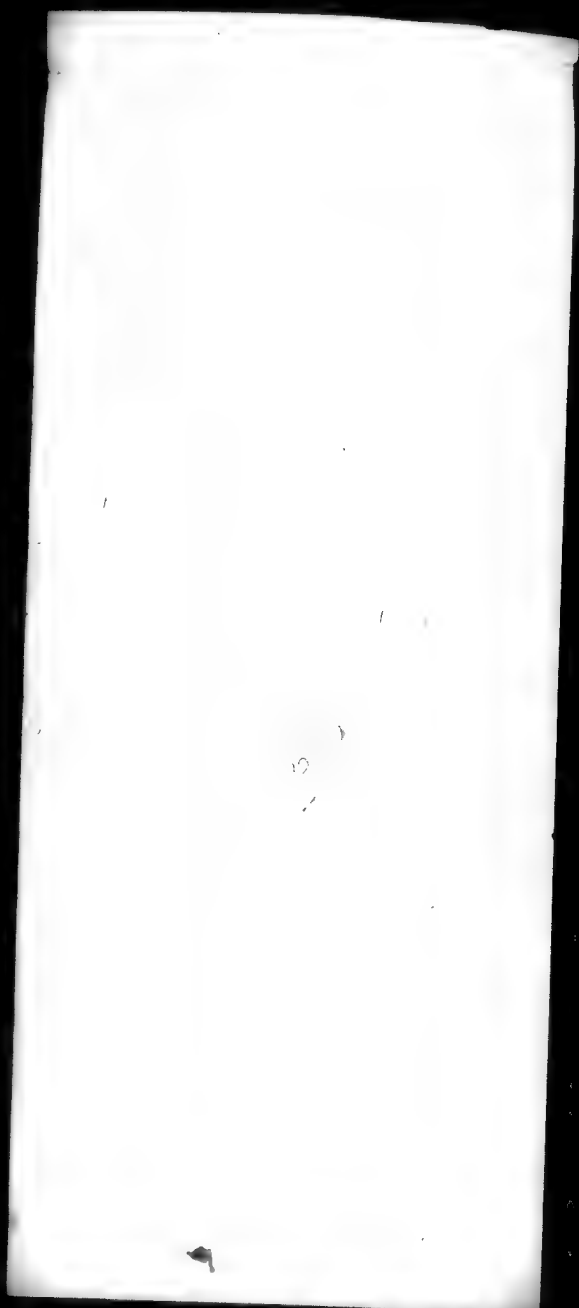
**GRANTED**

by the Commission.

Respectfully,

H. M. JACOWAY, JR.,

Secretary.





1881. 1. 1. 3. 1. 1.

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B1245

1908

A copy of the report of the committee on the subject of the proposed amendment to the constitution of the National Board of Health, together with the report of the committee on the subject of the proposed amendment to the constitution of the National Board of Health, is herewith submitted to the Board.

ASST. CHAIRMAN

The Board of Health has the honor to acknowledge the receipt of the report of the committee on the subject of the proposed amendment to the constitution of the National Board of Health, together with the report of the committee on the subject of the proposed amendment to the constitution of the National Board of Health, which was submitted to the Board at its meeting on the 10th day of June, 1908.

The Board of Health has the honor to acknowledge the receipt of the report of the committee on the subject of the proposed amendment to the constitution of the National Board of Health, together with the report of the committee on the subject of the proposed amendment to the constitution of the National Board of Health, which was submitted to the Board at its meeting on the 10th day of June, 1908.

The Board of Health has the honor to acknowledge the receipt of the report of the committee on the subject of the proposed amendment to the constitution of the National Board of Health, together with the report of the committee on the subject of the proposed amendment to the constitution of the National Board of Health, which was submitted to the Board at its meeting on the 10th day of June, 1908.

Very respectfully,  
[Signature]

The Board of Health has the honor to acknowledge the receipt of the report of the committee on the subject of the proposed amendment to the constitution of the National Board of Health, together with the report of the committee on the subject of the proposed amendment to the constitution of the National Board of Health, which was submitted to the Board at its meeting on the 10th day of June, 1908.

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

In the matter of the application of Augustus L. Rogers for the enrollment of himself and children as citizens of the Cherokee Nation.

Applicant represented by W. W. Harrison.  
Cherokee Nation represented by W. W. Hastings.

The applicant in this case and his attorney, J. D. Cox, Wagoner, I. T., were notified by registered letter March 3, 1902, that the application of Augustus L. Rogers for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22nd day of March, 1902. On said date the case was continued by agreement until the 5th day of April, 1902. The same being this 5th day of April, 1902, called, the applicant was represented by W. W. Harrison, representing J. D. Cox.

COMMISSION: Is there any statement you desire to make relative to this case?

MR. HARRISON: We desire, if your honor please, to file a brief for Mr. Cox, and also to ask for time within which to file a supplemental brief.

The attorney for the applicant files ~~and~~ a brief in the case, and requests and will be granted thirty days in which to file a supplemental brief, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

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

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

Arthur G. Croninger

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CHEROKEE CONTEST DIVISION.

No. 1248D.

Augustus L. Rogers et. al.)  
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  )  
The Cherokee Nation.          )

BRIEF AND ARGUMENT.

We respectfully submit that a proper determination of the question of the right of applicants herein to citizenship in the Cherokee Nation, involves the consideration of the following propositions, namely;

First; What is citizenship? Second. Who is a citizen? Third: How is citizenship acquired? and Fourth: How citizenship is lost.

Citizenship is the state of being vested with the rights and privileges of a citizen. (6 Vol. Am. & E. Encl. of Law, 2nd Ed., p. 15.)

Applying this definition to the case at bar, to deny to Augustus L. Rogers and his children the rights and privileges of Cherokee citizens would be to admit that not only was the departure of Augustus L. Rogers from the Cherokee Nation an act of emigration, that he had quit this country (Cherokee Nation, Indian Territory.) with the design and intention to settle, and to remain, in the State of Georgia, but that while in the State of Georgia he was, to all intents and purposes, a citizen of that State, owing allegiance, service and money, by way of taxation, thereto.

(3rd. Vol. Am. & E. Encl. of Law, 1st. Ed., P. 242)

The record in this case discloses clearly and truthfully the reasons which induced the change of residence, not citizenship, from the Cherokee Nation to the State of Georgia, which, we submit, absolutely preclude the presumption of citizenship in the State of

Georgia, and establishes, beyond question, the status of the applicant, the said Augustus L. Rogers, as a mere sojourner in that State.

A citizen is one who, by birth, naturalization or otherwise, is a member of an independent, political society, who owes to government allegiance, service, and money by way of taxation, and as such is subject to its laws and entitled to its protection in the enjoyment of civil or private rights.

In what instance, we submit, is it shown by the record in this case that the said Augustus L. Rogers exercised the rights and privileges of a citizen of the State of Georgia? Did he vote? Did he hold office? Did he claim to be a citizen of Georgia? Did he perform road service? Did he serve the State as a juror? Did he pay a poll tax to the State? These questions are pertinent in the consideration of the status of the said Augustus L. Rogers as a citizen of Georgia.

The record shows a positive, absolute, denial of the assumption by the said Augustus L. Rogers of the rights and privileges of citizenship of the State of Georgia, nor has any testimony been introduced by the Cherokee Nation to prove the contrary.

If not a citizen of Georgia, the said Augustus L. Rogers, must be held to have been a citizen of the Cherokee Nation, having formerly been admitted and enrolled as such, and not having abandoned his rights as a Cherokee citizen he must still be considered and adjudged to be a citizen of the Cherokee Nation.

Citizenship in the Cherokee Nation is acquired by birth, adoption and enrollment.

Can it be denied, upon the proof submitted in this case, that the said Augustus L. Rogers, prior to the date of his removal to Georgia, was a Cherokee citizen and therefore entitled to the enjoyment and exercise of all the rights and privileges of a citizen of the Cherokee Nation?

Being a citizen of the Cherokee Nation at that time, in what way, and for what reason, has his rights been forfeited?

He lived in the Cherokee Nation, was a recognized citizen, exercised the privileges of a citizen, owned property, and by the laws of the Cherokee Nation was protected in the use and enjoyment thereof.

But it is contended that he left his native country and went into a foreign State, which fact, it is urged, was sufficient to cause the loss of citizenship.

Citizenship once acquired can be lost only by expatriation, and by marriage in the case of a woman. Expatriation is the voluntary renunciation of one's nationality and allegiance by becoming a citizen of another country. Vol. \_\_. Am. & E. Encl. of Law 2nd. Ed. p 30, and the effect is to divest the citizen expatriating himself both of his obligations and his rights as a citizen; he thereby becomes an alien.

The Santissima Trinidad, 1st. Brock (U. S.) 478.

There must be actual emigration, coupled with facts inducing an intention to transfer one's allegiance. In fact, expatriation can not be affected without removal from the country under circumstances of good faith. Such removal must be without intent to return, and must be accompanied either by an act of naturalization in the foreign country, or acts and words from which a renunciation of the former citizenship and adoption of the new may be implied.

The Santissima Trinidad, 7 Wheat (U. S.) 347.

Comitis V. Parkinson, 56 Fed. Rep. 556.

14th. Opp. Atty.- Gen. 295.

"There is no prescribed mode of renunciation of citizenship. If a citizen of the United States, native or naturalized, emigrates, carries his family and effects with him, takes up his permanent residence abroad, and assumes the obligations of a subject of a foreign Government, this implies a dissolution of his previous

relations with the United States and puts an end to his citizenship".  
Opinion of Attorney General Black, 9 Opp. Atty.- Gen. 62.

How can a citizen of the Cherokee Nation expatriate himself?

"The right of expatriation is inalienable and extends to individuals of the Indian race." (U. S. Ex. rel. Standing bear vs. Crank, 5th. Dill. 453.)

"A change of domicile is not alone sufficient. There must be a renunciation of allegiance to the one and a purpose of making a home and becoming a citizen of another country".

In the Cherokee Nation the exercise of the right of expatriation is governed by constitutional enactment, defining and providing what shall constitute expatriation from that Nation, as follows:

"Whenever any citizen, shall remove with his effects out of the limits of this Nation and become a citizen of any other Government, all of his rights and privileges as a citizen of this Nation shall cease. He must not only remove his effects out of the Cherokee Nation, but he must become a citizen of another Government. (Opinion of Assistant Attorney General Little, 8th Annual Report of the Commission to the Five Civilized Tribes, to the Secretary of the Interior, page 205.)

We submit that applicant's removal to Georgia was but a change of domicile, and that in no instance does the record support the theory of expatriation, and that upon the law and the testimony in this case the applicant is entitled to the exercise and enjoyment of all the rights and privileges of a citizen of the Cherokee Nation.

Respectfully submitted,


Thomas & Harrison, and

J. D. Cox.

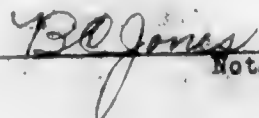
Attys. for Applicants.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., Sept. 27, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment  
Division of the Commission to the Five Civilized Tribes and custodian  
of the records of the said Division, do hereby certify that the above  
and foregoing is a true and correct copy of the original on file in  
the office of the said Division.

  
\_\_\_\_\_  
Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 27th day of September, 1902.

  
\_\_\_\_\_  
Notary Public.



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DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes,  
Muskegee I. T. June 11th 1902.

In the matter of the application of Augustus L. Rogers et al for  
enrollment as citizens of the Cherokee Nation.

Cherokee D 1246.

Brief of the Cherokee Nation.

The testimony in this case shows that Augustus L. Rogers was admitted to citizenship in the Cherokee Nation by the Commission in 1896; that prior to that time he had lived in the state of Georgia where he was born; where he was married and where all of his children except the last two were born. They came to the Cherokee Nation in March 1896; his family remained here about four months during which time in May his wife was confined giving birth to twin children and that he himself returned within about six months to the state of Georgia.

There is some testimony that the health of his wife was not very good but we are not surprised at that; the health of no woman is good at the time she gives birth to twin children and the testimony shows that a physician at Chelsen advised her to change climate or to move around somewhat. There is no testimony that her health was permanently injured nor is there any testimony that the health of the husband or any of the six children is bad.

The truth of the matter is that this family came here, were dissatisfied with the location remained about six months and went back to the state of their nativity where their home had previously been and where their friends and relatives were.

It is true that the applicant says that he didn't vote out there and for that matter you never got an applicant to admit that he voted out in the state of Georgia or any other state and for the Commission to undertake to refute that would be a task entirely too difficult for the Commission to undertake.

Section twenty-one of the Curtin Bill 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."

Now Rogers and his family at the time he was admitted had removed back to the state of Georgia where they were living and they never have complied with this section of the Curtis Bill.

We submit that we do not see how under this provision of the law that the Commission would be justified in enrolling this family.

Respectfully submitted,

*W. W. Hastings, Jr.*  
Attorney for the Cherokee Nation.

J. C. S.

United States of America,  
Indian Territory.

Before the Commission to the Five Civilized Tribes.

In the Matter of the application of  
Augustus L. Rogers et al. for enroll- No. 1248D.  
ment as Citizens of the Cherokee Nation.

Your applicants respectfully show to your Commission that they are Cherokees by blood, formerly residing in the State of Georgia; that in 1887 your petitioner Augustus L. Rogers applied to the Cherokee authorities for readmission as citizens of the Cherokee Nation, for himself and on behalf of his minor children; That said applicants were regularly readmitted to Citizenship in the Cherokee Nation, as will fully appear by reference to the application of the said Augustus L. Rogers et al., which was filed before your Honorable Commission in September, 1896. That said applicants were regularly enrolled by your Hon. Commission, as Citizens of the Cherokee Nation, in 1896.

Art. 1, sec. 2, of the Cherokee Constitution provides, among other things, that whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other Government, all his rights and privileges as a citizen of this Nation shall cease; provided, nevertheless, that the National Council shall have power to readmit, by law, to all the rights to citizenship, any such person or persons who may, at any time, desire to return to the Nation, on memorializing the National Council for such readmission.

The evidence in this case shows that your applicants have not violated the Constitutional provision above referred to; they have not removed from the Cherokee Nation with their effects, nor become citizens of any other Government. They simply left the Cherokee Nation on the advice of Dr. Dickson, to try if possible to improve the health of Mrs. Rogers. The evidence shows that your appli-

cants have owned a farm ever since 1895, near Chelsea, in the Cherokee Nation. That they left a part of their house hold goods at Chelsea when they left the Cherokee Nation; that their intentions are, and have always been, to return to the Cherokee Nation as soon as the physical condition of Mrs. Rogers will permit.

Your applicant's testimony shows that he has never voted, or in any way obligated himself to any Government other than that of the Cherokee Nation. It will be seen by reference to the application filed before you Commission in 1896, and herein before referred to, that Mary M., John W., Louie E., Ruth A., Robert C., and James C. Rogers are all minors under the age of 21 years; that their removal from the Cherokee Nation was the act of their parents, cannot be denied. That being true, their rights to citizenship in the Cherokee Nation could not be denied them under any construction of the law; because, during their minority, they are subject to the orders of their parents. Hence - their removal from the Indian Territory could in no way effect their citizenship until they had attained their majority.

It will be seen by reference to the opinion of the Assistant Attorney General Little, of September 10th, 1896, as to the rights of non-resident Cherokee Freedmen etc., that it has been the intention of this Government from the foundation thereof to treat the indians with a consideration of justice such as should control a Christian people; that being the policy of the Government, the evidence in this case being fairly considered, the applicants in this case could not be deprived of their rights to citizenship in the Cherokee Nation. See page 204 and 5, report of the Commission to the Five Civilized Tribes, for year ending June 30th, 1901.

Under the rule laid down by the Asst. Attorney General herein before referred to, it is impossible for a citizen of the Cherokee Nation to forfeit his citizenship, unless of his own volition, he removes all of his effects from the Cherokee Nation and

becomes a citizen of another Government.

Your applicants in this case have not removed their effects from the Cherokee Nation, nor have they become citizens of any other Government, as will be seen by reference to the evidence above referred to.

Wherefore your applicants respectfully pray your honorable Commission to enroll them as citizens of the Cherokee Nation, by blood

J. D. Cox

Attorney for applicants

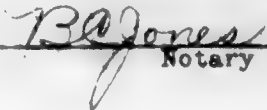
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Ter., Sept. 27, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of the said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.



Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 27th day of September, 1902.



Notary Public.

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

In the matter of the application of Augustus L. Rogers for the enrollment of himself and children, Mary M. Rogers, John W. Rogers, Louise E. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 29, 1901, Augustus L. Rogers appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and children, Mary M. Rogers, John W. Rogers, Louise E. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 5, 1902.

The evidence shows that the applicant, Augustus L. Rogers, together with his family, moved to the Cherokee Nation from the State of Georgia in 1894. From the records of the Commission, it appears that the said Augustus L. Rogers and children, Mary M. Rogers, John W. Rogers, Louise E. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers, filed their original application under the Act of Congress approved June 10, 1896 (29 Stats., 321), with the Commission to the Five Civilized Tribes for admission as citizens by blood of the Cherokee Nation, which application was granted by the Commission and no appeal taken therefrom.

The evidence further shows that the said Augustus L. Rogers and children, Mary M., John W., Louise E., Ruth A., Robert C., and James C., removed to the State of Georgia in the year 1896, where they have since resided; that they were not residing in the Indian Territory on June 28, 1898, nor at the date of this application.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

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

It is, therefore, the opinion of this Commission that the application of Augustus L. Rogers for the enrollment of himself and children, Mary M. Rogers, John W. Rogers, Louise E. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,  
this \_\_\_\_\_

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cherokee Land Office,  
Tahlequah, I. T., May 6, 1904.

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In the matter of the application of AUGUSTUS L. ROGERS for the enrollment of himself and his children, MARY M., JOHN W., LOUISE E., RUTH A., ROBERT C. and JAMES C. ROGERS, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

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Appearances:

Applicant appears in person;  
J. D. Cox appears for applicants;  
W. W. Hastings and J. C. Star appear for Cherokee Nation.

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AUGUSTUS L. ROGERS, being duly sworn, and examined, testified as follows:

By the Commission:

- Q What is your name? A Augustus L. Rogers.  
Q How old are you? A 54 years old.  
Q What is your postoffice address? A My postoffice address here is Chelsea.  
Q What is your permanent address? A That is my permanent address here.  
Q Your permanent address in the United States? A Sheltonville, Georgia.  
Q Where will mail reach you if you are written some time in the future? A Chelsea.  
Q You won't be at Sheltonville any more? A No sir.  
Q You heretofore made application for the enrollment of yourself and your minor children, Mary M., John W., Louisa E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, have you not? A Yes sir.  
Q How do you claim to have acquired rights in the Cherokee Nation?  
A Through my father.  
Q Were you born a citizen or were you readmitted? A Readmitted.  
Q When were you readmitted? A Well sir, I don't know as I can tell the exact date.  
Q Were you admitted by this Commission in '96? A I was readmitted, by the Cherokee Council; I don't remember the date.  
Q Then you were afterwards readmitted by this Commission?  
A Yes sir.  
Q In 1896? A Yes sir.  
Q When you were readmitted by the Cherokee Council, where were you?  
A I was in Georgia.  
Q When did you come to the Cherokee Nation then? A In 1895.  
Q That was the same year you were admitted, wasn't it? A No sir, I don't think it was.

- Q How long did you stay then? A I stayed here 8 or 9 months.
- Q Then where did you go? A Carried my family back to Georgia.
- Q You brought your family here? A Yes sir.
- Q Then how long did you stay in Georgia? A Well, I've been back and forth since then.
- Q How long did you stay before you made your first trip back to the nation? A Well sir, I don't remember; I think it was a year perhaps.
- Q Then you came back to the Cherokee Nation? A Yes sir.
- Q Was your second trip back here before or after you were admitted by the Dawes Commission? A It was after.
- Q How long after? A No sir, it was before.
- Q How long before? A Well it was when I made application to the Dawes Commission.
- Q That was in the fall of 1896? A Yes sir.
- Q Did you bring your family with you then? A No sir.
- Q Just came alone? A Yes sir.
- Q How long did you stay then? A I stayed about 2 months.
- Q Then did you go back to Georgia? A Yes sir.
- Q You family had remained in Georgia all the time? A Yes sir.
- Q Then how long did you stay in Georgia that time? A I staid there then about 2 years.
- Q Staid there till about 1898? A Yes sir.
- Q Then did you come to the Cherokee Nation again? A Yes sir.
- Q Did you bring your family with you? A No sir.
- Q Just came alone? A Yes sir.
- Q How long did you stay that trip? A I stayed 3 or 4 months.
- Q Then you went back to Georgia? A Yes sir.
- Q Then how long did you stay there that time? A I stayed until I was notified by the Commission that I had been rejected.
- Q When was that, in November, 1902? A Yes sir.
- Q Didn't you come to Chelsea in 1900 and make application for enrollment? A I don't remember.
- Q The record shows that on October 29, 1901, you made application at Chelsea for enrollment; were you there, or do you remember it?
- A Yes sir, I was there when I made the application.
- Q How long were you there before you made application? Did you come from Georgia to Chelsea for the purpose of making that application? A Yes sir.
- Q How long did you stay at that time? A I stayed a month.
- Q You didn't bring your family, did you? A No sir.
- Q Then you went back to Georgia? A Yes sir.
- Q Stayed how long then? A Until I came back this time.
- Q When did you come back this time? A I came last Friday, a week ago; two weeks ago.
- Q From soon after October, 1901, until about two weeks ago then, you were in Georgia? A Yes sir.
- Q Your family, Mr. Rogers, have never been here but one time, according to your statement? A No sir.
- Q That was in 1895 about the time you were readmitted here by the Cherokee Council, was it? A I think it was about that time.
- Q And they stayed about 9 months then? A Yes sir.
- Q Are your family here now? A No sir.
- Q Are they in Georgia? A Yes sir.
- Q When they were here, did you keep house? A Yes sir.
- Q And when they were not here, how have you gotten along? Have you boarded? A Yes sir.
- Q When you brought your family here in 1895, did you have a house back in Georgia that you left there? A No sir.
- Q You brought all your furniture here then? A Yes sir.
- Q When you and your family when back, did you take your furniture with you? A Part of it we did.

- Q Did you leave any of it? A Yes sir.
- Q What did you leave? A A stove and some bedsteads, and some chairs.
- Q Where did you leave them? A Chelsea.
- Q With whom? A Mr. Telozier.
- Q Did you sell them to him? A No sir.
- Q What was he doing with them for you? A He was taking care of them.
- Q How many chairs? A I think it is half a dozen chairs and 2 or 3 rockers.
- Q How many stoves? A One heating stove.
- Q How many bedsteads? A One.
- Q Leave any bedding? A No sir.
- Q Where is that furniture now? A It's up there.
- Q Is he using it? A Taking care of it.
- Q Has he used it? A Not that I know of.
- Q Has he got it packed away for you? A I suppose so.
- Q Have you ever seen it since you left it there? A Yes sir.
- Q When was the last time you saw it? A I saw it when I was back there.
- Q This last two weeks? A No sir, when I made application to the Dawes Commission.
- Q Well, Mr. Rogers, that was a very small part of the furniture you owned, was it not? A Well sir, I don't own a great deal.
- Q That was a very small portion of what you had, was it not?
- A It was about a third I suppose.
- Q You have bought other furniture back in Georgia to take its place, have you not? A Yes sir.
- Q What do you propose to do with this furniture here? A Use it when I bring my family back.
- Q When will you bring them back? A Soon as I find out the result of his application.
- Q Have you any definite time fixed now for bringing your family back? A Well, I propose to bring them back this fall.
- Q Provided of course you are enrolled? A Well sir, I am coming anyway.
- Q Have you any other property in the Cherokee Nation except these chairs, stove and bedstead? A I have a farm up there.
- Q Then did you buy that farm? A I bought it while I was here.
- Q When? A It was when I had my family here.
- Q Did you draw the strip payment? A No sir.
- Q How many acres are there in the place? A I don't know sir, how many there is.
- Q Where is the place? A 3 miles east of Chelsea.
- Q Well, about how many acres? A Well sir, I suppose there's 150 acres.
- Q Do you know the township, range and section numbers? A No sir.
- Q Have you farmed the place or have you rented it? A It was under lease when I bought it.
- Q Whom did you buy it from? A Mr. Pennington.
- Q Is he a Cherokee? A I think he's an adopted citizen.
- Q You think he is an intermarried white? A Yes sir.
- Q Well, has the lease expired? A Yes sir, it has expired.
- Q When did the lease expire? A A year ago, I think sir.
- Q When did the lease expire? A A year ago, I think, sir.
- Q Did Mr. Pennington have the lease on it? A We had control of it.
- Q The lease expired subsequent to the 90 days after the passage of the Cherokee Treaty, that is, subsequent to the time within which excessive land holders could dispose of their excess holdings, did it not? A Yes sir.
- Q Mr. Pennington held the lease up to about a year ago? A Yes sir.
- Q You gave him a lease on the place for the place? A No sir,

- he had a lease on the place before I bought it.
- Q I think you stated you bought it from Mr. Pennington? A I did.
- Q How could Mr. Pennington be the owner of, and have a lease on it at the same time? A He had a clear lease on it and sold me the place.
- Q Well, when he owned it, who leased it? A He bought it from another man I suppose and took a lease on it, or give a lease.
- Q What have you done with the place since the lease expired?
- A I haven't done anything.
- Q Have you received any rent from that place? A No sir.
- Q Either in crops or cash? A No sir; I received one payment from the man that was on it.
- Q When was that? A That was the next year after I bought it.
- Q Is anybody on the place now? A No sir, I think not.
- Q Is it just lying out? A Yes sir.
- Q Are there any improvements on it? A There was a little cabin on it.
- Q Well, is the cabin there now? A It was when I saw it last.
- Q When did you see it last? A When I was up there last time.
- Q When did you mean by the "last time"? A When I was before the Dawes Commission.
- Q Was there anybody living in the house then? A Yes sir, this same family was in it.
- Q This Pennington family? A No sir, the man that had it leased.
- Q Well, did this man have it leased from Pennington or you?
- A Had it leased from Pennington.
- Q Well, how did you derive your ownership over this place if Pennington owned it and continued to control it? A There was a lease to run 7 years when I bought the place from Mr. Pennington; he held the lease from a man named Taylor.
- Q Was Taylor a citizen? A I don't know whether he was or not.
- Q What was his full name? A I don't know that.
- Q Is Taylor still on the place? A I don't think he is; I don't know.
- Q You don't know who is on it? A No sir.
- Q You don't know whether the improvements have all been taken away or not? A If they have been, it's been since I was away.
- Q Well, they could have been? A Yes sir.
- Q You have never gotten any rent? A Except this one payment, no sir.
- Q Who made you that payment? A Mr. Taylor.
- Q How did he happen to make you that one payment and no more?
- A Well, that is all I could get out of him.
- Q He held the place and refused to pay you rent then? A No sir.
- Q Well, he didn't pay you rent? A No sir.
- Q And he continued to hold the place? A Yes sir.
- Q And you don't know whether Taylor is a citizen or not? A No sir.
- Q Give me the location of that place as near as you can; I want to see what our improvement plats show? A 3 miles east of Chelsea.
- Q You don't own any land down southeast of Choteau, do you?
- A No sir.
- Q If there is some land listed to A. L. Rogers in that neighborhood that is not your land then? A No sir.
- Q Do you know the name of this man Taylor that is on that place?
- A No sir.
- Q Did Taylor claim that land for himself? A He was a claimant I suppose; I heard afterward he was.
- Q You understood then that he was disputing your title? A Yes sir.
- Q And he disputed it so successfully that he held the land and didn't pay you any rent for it? A He was holding it under a lease.

- Q But he was claiming it for his own? A Yes sir.  
Q And he didn't pay you any rent? A No sir.  
Q You had no other farm except that one, did you? A No sir; I have a farm upon Caney which I authorized Mr. Cox to buy for me.  
Q When did you authorize him to buy it? A When I was here last time.  
Q In 1901? A Yes sir.  
Q Did he buy? A Yes sir.  
Q Do you know where that land is located? A No sir, I don't know where it is located.  
Q Have you got any rents from that place? A No sir. I have a bill of sale.  
Q Do you know who is in possession of that place? A No sir.  
Q Is it an improved place? A Yes sir, there's a box house on it and 35 acres in cultivation.  
Q Is a man livin' there? A Yes sir.  
Q Does he pay you rent for the place? A No sir; he's under an agreement.  
Q An agreement with you? A Mr. Cox.  
Q What sort of an agreement? A He is to hold the place for putting the improvements on it.  
Q What is his name? A I don't know, sir, what is his name.  
Q Have you ever been on that place on Caney? A No sir.  
Q Ever get any rent from it? A No sir.  
Q Does anybody else claim that land? A Not that I know of.  
Q Did you ever hear of anybody else claiming it? A No sir.  
Q Is Burton a citizen, the man you bought this place from?  
A I don't know, sir, Mr. Cox made the deal for me.  
Q You say Mr. J. D. Cox represented you in the transaction?  
A Yes sir.  
Q You don't know anything about the place yourself, you authorized him to make the trade? A No sir.  
Q Have you put any money into the place to improve it? A Yes sir.  
Q Whose money was it? A It was for me.  
Q Was it your money? A I was responsible for it.  
Q You owe Mr. Cox for the money he put on it? A Yes sir.  
Q You never have paid out any money on the place yourself?  
A No sir.

By J. D. Cox:

- Q Mr. Rogers, why did you remove your family from the Cherokee Nation? A On account of my wife's health.  
Q Was you instructed by anyone to do so, if so by whom? A By my family physician, Dr. Dixon.  
Q What was the condition of your wife's health at the time you left here?

Commission: Mr. Cox, that has been brought out very thoroughly in the testimony taken in this case on October 31, 1901.

- Q Did you remove your family from the Cherokee Nation with the intention of abandoning the Cherokee Nation? A No sir.  
Q Did you acquire citizenship in Georgia or anywhere else? After you left the Cherokee Nation? A No sir.  
Q Have you ever served on the jury? A No sir.  
Q Have you ever held office or voted in the State of Georgia?  
A No sir.  
Q Have you ever paid taxes since you went back to Georgia?  
A No sir.

Q Where has your home been since 1892?

Commission: The question of where his home has been is a legal question. We have had him to state where his actual and physical existence has been.

- Q Have you been subpoenaed on the jury in the State of Georgia since you went back in '95? A Yes sir, I've been subpoenaed, but never served.
- Q Why didn't you serve? A Because I didn't claim citizenship there.
- Q Were you rejected for the reason that you claimed citizenship in the Cherokee Nation? A Yes sir.
- Q How often? A Well, until they found out I wouldn't serve and took my name out of the jury box.
- Q Have you any property in Georgia at all? A No sir, nothing more than household goods.
- Q Did you state you came to the Cherokee nation to stay? A Yes sir.
- Q When did you state you expected to move your family? A Just as early as I can conveniently do so.
- Q At all events, I believe you stated that you intend to move some time during the year? A Yes sir.
- Q Were your children all married at the time you went back to Georgia from the Cherokee Nation in '95? A Yes sir.
- Q Children all married were they? A Yes sir.
- Q Whom did you leave in the Cherokee Nation to look after your farm at Chelsea? A Left you.
- Q Do you expect to file on that farm in case your citizenship is approved? A Yes sir.
- Q At the time you left a portion of your furniture with Mr. Delozier did you leave it with the intention of returning when your wife regained her health? A Yes sir.
- Q Well, has that been your intention at all times? A Yes sir, it's been my intention at all times.
- Q What is the condition of your wife's health now? Is it improved or not? A Yes sir, it's improved; not entirely well, but I think enough so that she can come back.
- Q Are you going to make a crop in the Cherokee nation this year?  
A Yes sir.
- Q Where? A Up at my cousin's, Roger's.

By the Commission:

- Q Is that crop you intend to make, are you going to make that at Chelsea or Caney? A No sir.
- Q Going to rent ground from another citizen? A Yes sir.

By J. D. Cox:

- Q Going to make a short crop? A Yes sir.
- Q Are you able to prepare yourself to farm either of these places?  
A No sir.
- Q I believe you stated you arranged with me to buy a farm that you wanted me to buy in 1901? A Yes sir.
- Q You were notified soon after that I had bought it, were you not?  
A Yes sir.

By W. W. Hastings:

- Q Your wife has some relatives back in Georgia? A Yes sir.  
Q They live around where she now lives? A No sir.  
Q How far do you live from them? A About 25 miles, 40 miles.  
Q Did they live near you before you came out here in '95?  
A No sir.  
Q How far from them did you go when you returned to Georgia?  
A I went about 40 miles.  
Q You went back over the train? A Yes sir.  
Q Did you take any of your bedding with you on the train?  
A Yes sir.  
Q Your bedsteads and stoves you could not conveniently take with you, could you? A Well, we took one stove, cook stove, and one or 2 bedsteads.  
Q And you found it would cost you more to take these others than it would be worth? A No sir.  
Q You have been away from here 9 years haven't you? A Yes sir.  
Q Now don't you know as a matter of fact, that that small amount of furniture was not saleable and you could not get anything for it at that time? A No sir; it was furniture I didn't want to dispose of.  
Q What do you do in Georgia? A I've been working at farm work and dairy work; anything I could get to do, sir.  
Q How old is your youngest child? A 9 years old, sir.  
Q Was your wife's health bad before you came out here? A No sir.  
Q You only staid here 8 or 9 months and her health became very bad?  
A Her health was such, after she staid here, that she had to go back.  
Q And she has not regained it fully in 9 years? A No sir.  
Q Still you testify that her health was good when she came here first and then in 9 months her condition became very bad; still, not havin' g yet regained it, you testify before the Commission that at all events she is to be brought back here this year?  
A Yes sir.  
Q That is, regardless of the state of her health? A No sir, she has not entirely regained--  
Q I say you are going to bring her back here regardless of her health? A Well, I expect to bring her back if she be in such condition that she can come back.  
Q Did you live in town or on a farm in Georgia? A In town and on a farm too.  
Q Did you ever vote in Georgia? A Yes sir, before I came out here.  
Q First time? A Yes sir.  
Q Never did vote at municipal elections? A No sir.  
Q Never attempted to vote? A No sir.  
Q You never saw Dr. S. Burton, did you? A No sir.  
Q You don't know then that he is a non-citizen, do you? A No sir.  
Q You don't know that he is a white man? A No sir.  
Q You never saw that place? A No sir.  
Q You haven't been up around Chelsea in the last 2 weeks? A No sir.  
Q Where have you been? A Came here and went over to Wagoner.  
Q You never thought enough of your farm and farming prospects east of Chelsea to go up there and look after it in the last w weeks? A Why, I never had time, I came back down here.  
Q Well you haven't been on it have you? A No sir.  
Q You haven't even made inquiry as to who lived on it? A Yes sir, did that several days ago.  
Q You never ascertained? A No sir.  
Q There is no tenant in charge of it for you is there? A No sir.

- Q Your wife never came back here since you left here in '95?  
A No sir, she has not come back.
- Q Now, as a matter of fact, you never were here but the one time since you applied to the Dawes Commission in '96, and that was when you came to apply in 1901 at Chelsea? A I applied to the Commission at Chelsea and went before the Commission at Vinita.
- Q Well, you were never here except to go before the Commission to make application for enrollment, except in '96? A Yes sir, I have been here before.
- Q Will you, when was it? A I don't remember the exact date; and I am not certain that I was here.
- Q Are all of these children living with you now? A Yes sir.
- Q Any of age? A Yes sir.
- Q Any of them married? A Yes sir.
- Q All make their home with you? A Yes sir.
- Q Does your wife own an home in Georgia? A She owns a little place there.
- Q A farm? A Small farm.
- Q How many acres? A She owns 40 ~~xxxx~~ acres.
- Q How long? A No sir.
- Q How long has she owned it? A She's owned it for 20 years or more.
- Q Does she own a house in town? A No sir.
- Q How far is this farm of 40 acres from town? A Well, it's 3 miles from one town, the nearest railroad station, and about three miles and a half from another one; 25 miles northeast of Atlanta.
- Q Now isn't it a matter of fact that when you came here in '95 your wife became dissatisfied as well as yourself and you went back to Georgia? A She became dissatisfied on account of her health.
- Q And she really insisted on going back to her old home in Georgia?  
A She insisted on my taking her back.
- Q You went back to the same place from whence you came? A Yes sir.
- Q And she is living there to-day? A Yes sir.

By the Commission:

- Q Well, Mr. Rogers, did you ever vote in the Cherokee Nation?  
A No sir.
- Q Did you ever hold any office in the Cherokee Nation? A No sir.
- Q Did you ever exercise any of the privileges of a citizen of the Cherokee Nation? A My children went to school.
- Q To a Cherokee school? A Yes sir.
- Q For one term? A Yes sir.
- Q Since you were admitted by the Commission in '96 your children have not gone to school? A No sir.
- Q And you have not voted? A No sir.
- Q You speak of having been excused from jury service in the State of Georgia because of your claim that you were not a citizen there? A Yes sir.
- Q When was that? A That was when the courts convened.
- Q What year? A I can't tell exactly, but 2 or 4 terms of the court.
- Q Was it 10 years ago? A No sir.
- Q When was it? A After I went back to Georgia.

By J. D. Cox:

- Q I believe you were asked by Mr. Hastings whether you knew Dr. Burton was a citizen of the Cherokee Nation or not?  
A I said that I didn't know.



- Q I believe you stated that your wife owned the little place in the State of Georgia? A Yes sir.
- Q How much, if any, of the time have you farmed that place since you went back? A We have lived there 2 years, I think, or 3 years, and rented land in connection with that place.
- Q Have you lived at other places since that time? A Yes sir.
- Q Have you moved to different places for the benefit of your wife's health? A I have moved.
- Q What have you moved for? A I moved to make a living.
- Q I believe you stated that you worked at whatever you could get to work at? A Yes sir.
- Q Oh, Hastings asked if you intended to bring your wife back this fall regardless of her health; do you intend to bring her regardless of the condition of her health? A No sir, if her health is such that I can't bring her, of course I won't do it.
- Q But if her condition gets no worse than it is now, you propose to bring her back this fall? A Yes sir.

By the Commission:

- Q Mr. Rogers, the contract you had with Mr. Cox, under which he acquired this land for you from Dr. Burton, you say was entered into in 1901? A That's when I was out here before the DeWes Commission the last time, sir.
- Q Is Mr. Cox a citizen? A No sir.
- Q What did you pay him for getting this land for you? A I paid him a lawyer's fee.
- Q Did you give him a lease on the land as security for his fee? A No sir.
- Q He doesn't hold any lease on the land at all? A No sir.
- Q You paid him the fee in cash? A Yes sir.
- Q You didn't give him a note for it? A No, I am to give him a note for the balance.
- Q Have you ever paid him any cash at all? A Yes sir.
- Q How much? A I paid him---I don't exactly remember how much--- thirty or forty dollars.
- Q And he was the man who made the trade for the Burton place for you? A Yes sir.

By J. D. Cox:

- Q I will ask you who bought the place east of Chelsea? A I did.
- Q How much did you pay for that place? A I paid Mr. Pennington fifty dollars.
- Q What did you pay him? A I paid him the money.
- Q Well, you said something about a lease on that place; I will ask you who had that lease? A Well, Pennington.
- Q Was the lease given at the time you bought the place? A Yes sir, the lease was in force then.
- Q And was to run how long? A 7 years.
- Q I believe you said that Taylor was a claimant to citizenship? A Yes sir, I heard that he was.
- Q How much did Taylor pay you on the rents that were paid? A He paid me \$20.00 I think it was.

By W. W. Hastings:

- Q Did he pay that to you? A He paid it to Mr. Cox.
- Q Never paid you anything? A No sir, Mr. Cox received it.
- Q And that was the fee you paid Mr. Cox? A I paid him some besides that.
- Q How much? A 20 or \$30.00.

Q You authorized Mr. Cox to buy a place for you after you appeared before the Commission and were rejected, didn't you? A Yes sir.

By J. D. Cox:

Q You didn't know, at the time you authorized me to buy the farm, that you were rejected? A No sir.

Q Didn't you authorize me to buy a farm the same time you went before the Commission in 1901? A Yes sir.

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J. D. COX, being duly sworn and examined, testified as follows:

By the Commission:

Q What is your name? A J. D. Cox.  
Q How old are you? A 42 years old.  
Q What is your postoffice address? A Wagoner.  
Q You represent Augustus I. Rogers as his attorney? A Yes sir, I have represented him since 1896.  
Q We has testified that in 1901 he authorized you to buy a place for him in the Cherokee Nation? A Yes sir.  
Q We supposed that you bought about 35 acres from one S. Burton?  
A Yes sir.  
Q Is that the only land you bought for him? A Yes sir.  
Q Where is that land? A That land is about 8 miles southwest of Coleyah and about 6 miles northeast of Collinsville; I would take it to be about that distance.  
Q Do you know the numbers of that land? A I do not, but it joins John Abercrombie's place.  
Q Is that Summers Burton? A I don't know; it is Dr. S. Burton.  
Q Is he a citizen of the Cherokee Nation? A I think he's a citizen by adoption. His wife is a citizen.  
Q Who is in possession of that place now? A I don't know who is in possession of it now, but the cashier of the Collinsville Bank bought this place for Burton about two years ago and was to have possession of the place two years for paying the purchase money.  
Q We continued to hold possession until his time was up? A Yes sir.  
Q And while he was in possession you bought it for Rogers? A Yes sir.  
Q What did you pay Burton? A I was to pay him \$250.00.  
Q Have you paid it? A Not all; I had some legal business for Burton and paid part of the price.  
Q How much is still due on the place? A \$125.00.  
Q The \$125.00 paid was paid in legal service that you rendered to Burton; is that right? A Yes sir.  
Q Since the time of the cashier of the bank expired, the time he was to hold this place, what has become of it? A It's there; I haven't seen it since the 1st of January.  
Q This year? A Yes sir.  
Q Who farmed it last year? A I don't know the man's name, but the banker's tenant.  
Q The banker's time had not expired? A No. I don't know whether there is anyone on it this year or not, but I think the man on it last year is still there.

- Q You never rented it to anyone after the cashier surrendered possession? A No sir, I tried to but couldn't get a renter for it.
- Q You are in the land leasing business in the Cherokee Nation yourself, are you not? A Yes sir.
- Q And the only payment that was ever made on this place you got from Burton, was \$125.00 which was a payment made by you in the shape of legal services rendered to him? A Yes. I had been doing some business for Burton from time to time I guess for 2 years before I bought this place.
- Q How does Rogers come in on that payment? A Rogers is to pay me.
- Q Has he ever paid you? A No sir, he has not been able.
- Q Has he given you a note for it? A No sir, I haven't seen him since I bought the place until last Sunday morning; I notified him at the time or soon after I bought it. He wanted me to buy more for him.
- Q You didn't know anything about that place near Chelsea? A Yes, I do.
- Q How Taylor has lived on the place and he was a claimant to citizenship? A He's not exactly lived on the place; I demanded possession of the place at the expiration of the lease and the son-in-law refused to give possession for the reason that he thought they would become citizens.
- Q They hold adverse possession? A Yes sir.
- Q Mr. Rogers has only been in possession through an agent? A The only thing Rogers got out of the place was the rents Taylor paid him.
- Q And after that Taylor refused to return to anyone as landlord? A The last was about 1902.
- Q He don't hold the land as lessee? A Taylor himself held it as lessee, but after his death, the son-in-law thought they would acquire citizenship and was going to hold the place until it was determined in less put off by law.
- Q And after that the son-in-law claimed it? A No sir, he didn't claim it, but he said he was going to stay until he -----
- Q He held it as his prospective allotment, did he not? A Well, I suppose that was his intention; he claimed also that he put some fence on one side of the place.

Commission: An index to the improvement plats, showing the land in the Cherokee Nation, fails to show Augustus L. Rogers to be the owner of any improvements in that nation.

By W. W. Hastings:

- Q Mr. Cox, don't you know as a matter of fact that those people went back to Georgia because Mrs. Rogers was dissatisfied with living in this country? A Well Mr. Hastings, I don't know whether she was dissatisfied or not; I do know that Dr. Dixon and A. L. Rogers and his brother, Captain Rogers, was in my office and was talking about her condition---

Commission: Mr. Cox, we have had these people testify about all that.

- A If she was dissatisfied, I don't know it.
- Q Did you represent Mary L. Strickland at any time? A No sir, not that I remember of.
- Q Didn't you tell J. C. Starr that the reason why Rogers went back was because his wife was dissatisfied and compelled him to go? A I did not; I never told anybody any such thing.

- Q You never told him that about the Strickland case? A I don't think I ever said anything about the Strickland case, Mr. Hastings; I don't think I ever had a thing to do with it.
- Q Don't you know that this man's name does not appear upon the roll? A No sir, I don't know it.
- Q Why was it that Taylor paid rent in '95 when his lease was not up? A I was after Taylor all the time for the money for the rents, as much for the purpose of compelling him to recognize Rogers as his landlord as anything.
- Q Did you state he had a 7 year's lease on it in '95? A Rogers bought the improvements from Pennington with the understanding that the lease was to run as agreed to between Pennington and Taylor.
- Q Well, why did you collect rent from Pennington? A As I remember it now, the lease didn't begin to run until '96 and he was on the place in '95; it's been a good while ago.
- Q After they refused to pay you rent as agent for Mr. Rogers, you never were enough interested to bring a suit in court? A I didn't think enough of Mr. Rogers' case to advance the money and pay all the expenses of bringing that suit; Mr. Rogers has not had the money to pay me anything on the fee, except the first money he gave me in 1896.
- Q Well, you thought enough of Mr. Rogers' claim to advance your own credit to purchase this place from Burton, didn't you?
- A Yes sir, that I did do.
- Q Well, if you advanced your credit to buy from Burton, why couldn't you institute court proceedings? A Well, in the first place, if I was a citizen of the Cherokee Nation, I wouldn't file on the land I bought up there if they gave it to me.
- Q That is not the question I asked you; I asked, if you would advance money for one reason for him, why wouldn't you advance money for another reason? A If I had thought the place was worth it, I might have done so.
- Q Then you thought the improvements were worthless? A Yes sir, practically worthless; besides, if I had got possession of it, I would have had to advance more money to repair the fence and house.
- Q Then the place was practically abandoned? A It is not abandoned unless it's been in the last few months. Rogers left control of it in my hands.
- Q Well, that means then that you had no control over it at all?
- A You can make your own construction of that.
- Q Have you had absolute control of it at all? A No sir.

By the Commission:

- Q Any other statement you would like to make?
- A I will say that I used every effort in my power, except to bring suit. I have paid his expenses several times to come from Georgia, and I paid a part of his expenses when he was here at least one or two times.

Commission: By agreement of counsel in the case, a statement of what the improvement plats show as to the improvements on the Burton place, will be inserted in the record when a description of that land is furnished.

Suppl. to R-753, (13)

May 6, 1904.

Commission: A plat, filed this day, of the land, referred to in the testimony as the "Burton place", purchased by J. D. Cox for Augustus L. Rogers, shows that land is claimed to be located in the NW/4 of Section 15, Township 22 N., Range 14 E. of the Indian Meridian. The improvement plat of the Commission for that section, made April 22, 1902, shows that practically all of the NW/4, except the NE/4 of the SE/4 of the NW/4, is held by Summer Burton. Bill of sale, dated October 30, 1902, signed by S. Bruton, confessing improvements on "the quarter of section-----, Township 22 N., Range 14 E." is filed herewith. There is also filed bill of sale from Melvina and Felix Corbin to B. D. Pennington and transfer of same to A. L. Rogers.

-----o-----

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me  
this 10th day of May, 1904.

Simon R. Wallingfield

Notary Public.

MY

REARRE...  
COMMISSION

FIELD

MAY 6 1904

*[Handwritten scribbles]*

*Blair*  
*London*

R 753

# Sequoyah Land and Investment Company

CLAREMORE, CHEROKEE NATION, I. T.

Township

2-2

Range

1-1

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Cherokee D-1248  
( " R-753)

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

In the matter of the application for the enrollment of Augustus L. Rogers and his minor children, Mary May, John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation.

ORDER.

From an examination of the records in the possession of this Commission it appears that on October 13, 1887, by the properly constituted authorities, the following named persons, among others, were admitted to citizenship in the Cherokee Nation:

Rogers, Augustus L.	38,	Male
Rogers, Mary M.	6,	Female
Rogers, John W.	4,	Male
Rogers, Louise E.,	1,	Female.

It is ordered that a copy of this statement be filed with and made a part of the record in above numbered case.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*T. B. Needles.*

Commissioner

Dated at Muskogee, Indian Territory,  
this NOV 20 1887



*Examined*

Cherokee R 753

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

In the matter of the application for the enrollment of  
Augustus L. Rogers et al., as citizens by blood of the Cherokee  
Nation.

--:--

O R D E R .

It is ordered that copies of the application for Cherokee citizenship, Exhibit "A", recommendation and judgment of the Commission, all of which relate to proceedings had under the Act of June 10, 1896, in the case of Augustus L. Rogers, et al., vs. Cherokee Nation, case No. 5354, be filed with and made a part of the record in re application of Augustus L. Rogers, et al., case No. Cherokee R 753.

*James Bixby.*

Commissioner

Dated at Muskogee, Indian Territory,  
this           MAY 17 1905

(2)

( COPY )

Ex. E.

Cherokee Nation.

Cooweescoowee District:--

Personally came before me Joe. M. La Hay,  
Clerk of Cooweescoowee District, one Augustus L. Rogers, and who  
after being suly sworn, states that he is a citizen of the  
Cherokee Nation, and that he was admitted to said citizenship  
on the 13th day of October, 1887, as is shown by the records in  
the executive department of said Nation:--He further states that  
he is now and has been a resident of the above named District and  
Nation since the 28th day of March, 1895.

(Signed) Augustus L. Rogers

Sworn and subscribed to before me on this the 24th day of May, 1895

(Signed) Joe. M. Lahay

( S E A L )

Clerk of Cooweescoowee District

(3)  
( COPY )

A. L. Rodgers

VS

Cherokee Nation.

FILED SEPT 9 1896  
A. S. MCKENNON  
COM'R.

Admit applicant- A. L. Rodgers, his children & grand-  
children as citizens by blood, having been admitted under the  
Act of Dec. 8th 1885, and having come to the Nation before  
the expiration of six months from Dec. 4th 1894.

Cherokee B-753.

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

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In the matter of the application for the enrollment  
of Augustus L. Rogers, et al., as citizens by blood of the Chero-  
kee Nation.

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I, the undersigned, Commissioner, do hereby certify  
that the foregoing exhibits marked one, two and three, are cor-  
rect copies taken from the records of this office, and that said  
records are in the lawful custody of this Commission.

JUN 8 - 1905

W. B. Needles.  
Commissioner.

Cherokee R 753

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

--1--

In the matter of the application for the enrollment of Augustus L. Rogers et al., as citizens by blood of the Cherokee Nation.

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DECISION.

THE RECORD IN THIS CASE SHOWS: That on October 29, 1901, Augustus L. Rogers appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and minor children, Mary May, John W., Louise E., Ruth A., Robert C. and James C. Rogers as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had on April 5, 1902, at Muskogee, Indian Territory. The record further shows that on September 20, 1902, the Commission rendered its decision herein denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was approved by the Department; that thereafter, on March 15, 1904 (Departmental letter I. T. D. 986-04), said decision was rescinded by the Department, and case remanded for further testimony and re-adjudication in accordance with present rulings, and that, on May 6, 1904, supplemental testimony in the matter of said application was taken at Tahlequah, Indian Territory. Certified copies of the record of certain proceedings had before the Dawes Commission under the Act of June 10, 1896, in the case of Augustus L. Rogers, et al., vs. the Cherokee Nation Docket No. 5384, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as citizens by blood of the Cherokee Nation.

The following points are fully established by the evidence, no attempt having been made to dispute them.

(1) That all the applicants herein are Cherokee as by blood.

(2) That the minor applicants herein are the children of the principal applicant, Augustus L. Rogers, and his wife Julia Rogers, a non-citizen of the Cherokee Nation.

(3) That the applicants, Augustus L., Mary M., John W. and Louise S. Rogers, were, on October 13, 1887, admitted as Cherokees by blood to citizenship in the Cherokee Nation, by the properly constituted authorities thereof, and that at the time of said admission they were aged thirty-eight, six, four and one year, respectively; and that the applicants, Ruth A., Robert C. and James C. Rogers, were born subsequent to October 13, 1887, and prior to June 4, 1896.

(4) That all the applicants herein were granted Cherokee citizenship by the Commission, under the act of June 10, 1896, and no appeal taken therefrom.

In view of the foregoing, it is deemed by the Commission that but two questions are to be considered in this case in order to properly adjudicate said applicants' rights to Cherokee citizenship on September 1, 1902:

(1) Have they complied with such laws of the Cherokee Nation passed, and rulings of the Department made, subsequent to October 13, 1887, as are material in determining their rights to Cherokee citizenship? If so,

(2) Did they, prior to September 1, 1902, forfeit their rights to citizenship in the Cherokee Nation?

AUGUSTUS L. ROGERS, applicant, appeared before the Commission on October 2, 1901, at Vinita, Indian Territory, and in support of his application for enrollment, testified, in part, as follows: I am fifty-two years old, and my postoffice is Chelsea, Cooweescoowee District, Cherokee Nation. I and my family moved from Georgia to the Cherokee Nation in March, 1895 or 1896; I remained in the Cherokee Nation six months, and my family remained about four months. At the expiration of four months my wife's health became so bad that upon the advice of her physician, Dr. Dickson, she, taking with her the children, returned to our

old home in Georgia, where they have since continuously resided, and a couple of months later I sold them, but have returned to the Cherokee Nation each year since. I left some household goods, i. e. one heating stove, and about one and one-half dozen chairs, and owned a farm in the Cherokee Nation when I returned to Georgia in 1895. The farm contained something over two hundred acres, about fifty acres being under cultivation. I paid \$50.00 for it and took it subject to a lease, and it has been leased ever since. I have never had possession of this place, and have received no rents from it. Since my return to Georgia I have had nothing to do with the governmental affairs of said state, have never voted, and always refused jury service, this by reason of the fact that I claimed citizenship in the Cherokee Nation.

THOMAS B. DICKSON, witness for applicants, at said time and place, testifies as follows: I am a Cherokee citizen and reside at Chelsea, Indian Territory. I am a practicing physician, and at one time was the family physician of the applicant, Augustus B. Rogers. The first practice I did for him was on May 8, 1895, at Chelsea (Cherokee Nation), when I waited on his wife in a case of confinement and delivered her of twins. Her condition at that time was critical, and after confinement she suffered with what we call dropsical effusion of the extremities, and weak lungs. I told Mr. Rogers that the climate here was not agreeing with his wife, and that she needed a change for a while. Mr. Rogers had not lived at Chelsea long when I was called to attend his wife. I do not know when they left there (Chelsea), but it was not long after I advised him of the condition of his wife's health. I was born in Georgia, and am acquainted with the climate of that country. I do not recollect that I advised Mr. Rogers to take his wife to Georgia, but inasmuch as she was raised there, and acclimated, I consider that a favorable climate for her.

AUGUSTUS B. ROGERS, applicant, appeared before the Commission on May 6, 1904, at Tallahquah, Indian Territory, and in support of his application for enrollment further testified, as follows: I am fifty-four years old. My postoffice address here is Chelsea, and my permanent postoffice address in the United States is Sheltonville, Georgia. I, with my family, first came from Georgia to the Cherokee Nation in 1895, stayed eight or nine months and then returned to Georgia. I again came to the Cherokee Nation in the fall of 1896, and made application to the Dawes Commission for Cherokee citizenship for myself and family; I stayed here about two months that time and then returned to Georgia, where I remained until 1898 and then made a third trip to the Cherokee Nation, where I stayed three or four months and returned to Georgia. I next came to the Cherokee Nation in 1901 and stayed about a month, during which time I made application to this Commission for the enrollment of myself and family as Cherokee citizens, and then returned to Georgia, where I remained until coming here about two weeks ago. None of my family have been in the

Cherokee Nation since leaving here in 1895. The furniture left by me when I removed from the Cherokee Nation in 1895, consisted of about a half dozen chairs, two or three rockers, one heating stove and one bedstead; have not seen this furniture for a long time, it suppose to be still packed, and I intend to use it when I leave the family back. My intention is to bring my family to the Cherokee Nation in the fall, and then our application for enrollment is granted or not. I still own the farm bought when my family was living here; it is situated about three miles east of Chelsea and contains about one hundred and fifty acres. I bought this farm subject to a lease, which expired about one year ago. I have had no dealing with the farm since the lease expired, and never received any rent from it, except one payment, made to my attorney, Mr. Cox, the next year after I bought the place. I have not seen the place for several years, but understand that my former tenant is holding it as an adverse claimant. I have another farm on money that I authorized Mr. Cox to buy for me when I was here in 1901; Mr. Cox bought a house on this place, and about thirty-five acres under cultivation. I have never had actual possession of this place, nor received any rents from it. I have not, as yet, paid any money for this farm, but expect to re-imburse my attorney, Mr. Cox, who advanced the money and made the deal for me. I have never voted or paid taxes in Georgia since moving there in 1895, and have often been subpoenaed as a jurymen, but always rejected because I did not claim citizenship in said state. I own no property in Georgia except my household goods. My wife's health is somewhat improved, but she is not entirely well. My wife owns a forty acre farm in Georgia, she has owned it for twenty years or more. The minor applicants in this case are still living with me at my home in Georgia. I have never exercised the rights of a Cherokee citizen, except that I sent my children to a Cherokee school when we live here in 1895.

A. D. COX, attorney and witness for the applicants, at the same time and place, testified as follows: I am forty-two years old and reside at Cameron, Indian Territory. I represent Mr. Augustus B. Rogers. In 1901 he authorized me to buy a place for him, and in compliance with his request, I purchased from one S. Burton, a farm containing about thirty-five acres, situated in the Cherokee Nation, about six miles northeast from Collinsville. The purchase price was 200.00, 125.00 of which has been paid in legal services rendered Mr. Burton. The balance yet remains unpaid. I bought this farm subject to a lease, which expired about one year ago. After the expiration of the lease I tried to rent the place but could not find a renter. I have not seen the place since last January, but understand the same man is on it this year that farmed it last. I am acquainted with the farm Mr. Rogers bought, near Chelsea, in 1895. It was purchased subject to a lease, and when the lease expired, I, as Mr. Rogers' agent, demanded possession, but was refused, as those holding it expected to become citizens and intended to hold the place as



prospective allotments, regardless of Mr. Rogers' rights. I did not bring in action for possession, as Mr. Rogers could not furnish the necessary money, and I did not think enough of his claim to advance it for him, besides, I did not consider the place worth the expense, as the improvements are practically worthless.

( BY THE COMMISSION: An index to the improvement plats showing the land in the Cherokee Nation, fails to show Augustus L. Rogers to be the owner of any improvements in that Nation.)


For the purpose of showing that the principal applicant, Augustus L. Rogers, with his family, which at that time included, besides the four other minor applicant herein, two daughters not embraced in this application for enrollment, removed to the Cherokee Nation and took up their residence therein, prior to June 4, 1895, attention is called to exhibits filed herewith, marked (1), (2), and (3); and for the purpose of showing that on their removal to the Cherokee Nation in 1895, it was the intention of these applicants to permanently locate therein, attention is called to exhibits (4) and (5), which show that on August 7, (1895), the said Augustus L. Rogers purchased the improvements and possessory right to a farm situated in the Cherokee Nation, the record of same being duly filed with the Clerk of Cooweescoowee District, Cherokee Nation, on August 21, 1895. ( See indorsement on back of Exhibit "6"). Attention is also called to birth affidavits filed herewith, which show that on September 1, 1895, the applicants, Mary May, John W., Louise A., Ruth A., Robert C. and James C. Rogers, were aged twenty-one years six months, nineteen years eight months, fifteen years eight months, ten years five months, seven years five months, and seven years five months, respectively.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that all the applicants herein became bona fide resident citizens of the Cherokee Nation within the time specified in the act of the Cherokee Council approved December 4, 1894; and that, under the rulings of the Department in the cases of John R. Fatcher et al. (I.T.D. 1090-03), Joseph A. Yeargan, et al., (I.T.D. 2900-03), and Stonewall J. Rogers, et al., (I.T.D. 6790-0, 3092-05), said applicants herein must be held to have been bona fide citizens of the Cherokee Nation on September 1, 1895.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Augustus L. Rogers, Mary M. Rogers, John W. Rogers, Louise A. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers's claim

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 23, 1898 ( 30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner

  
Commissioner

Dated at Muskogee, Indian Territory,  
this JUN 30 1905

DEPARTMENT OF THE INTERIOR.  
Commissioner to the Five Civilized Tribes.

CHEROKEE ROLL, CITIZENS BY BLOOD.

NO	NAME	AGE	SEX	BLOOD	CENSUS CARD NO.
32811	Rogers, Augustus L. (Age fifty-three)	53	M	1/16	10969
32812	Rogers, Mary May (Age twenty-one)	21	F	1/32	10969
32813	Rogers, John W. (Age nineteen)	19	M	1/32	10969
32814	Rogers, Louise E. (Age sixteen)	16	F	1/32	10969
32815	Rogers, Ruth A. (Age ten)	10	F	1/32	10969
32816	Rogers, Robert C. (Age seven)	7	M	1/32	10969
32817	Rogers, James C. (Age seven)	7	M	1/32	10969

This is to certify that I am the officer having custody of the approved roll of citizens by blood of  
the Cherokee Nation,

and that the above and foregoing is a true and correct copy of that portion of said roll appearing at number **32811**  
to 32817, inclusive. Enrolled as of September 1, 1902.  
P.O. Chelsea, Okla.

Clerk.  
OKLAHOMA  
Muskogee, Indian Territory.

November 12, 1908.

*W. C. C. C.*  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

No. 89.

In District Court.

DUCES TECUM SUBPOENA

J. I. Cox, Plf.

-vs-

Augustus L. Rogers, et al,

Filed \_\_\_\_\_ 19\_\_

By \_\_\_\_\_

Sheriff's Fees.

Serving subpoena.	\$ _____
first person	
additional persons	
copy of subpoena	
Mileage _____ miles	

TOTAL

\_\_\_\_\_ Sheriff

By \_\_\_\_\_ Deputy, Under Sheriff

P 159, D

ORNI ER'S RETURN.

Received this writ this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ P. M. 190\_\_ served the same, by delivering a copy thereof, with the endorsement thereon.

190\_\_ served the same by leaving a copy thereof with the endorsement thereon, duly certified, at the usual place of residence of the within named witness \_\_\_\_\_ 190\_\_ I cannot

By \_\_\_\_\_ find the within named \_\_\_\_\_ in my County.

By \_\_\_\_\_ Sheriff  
Deputy, Under Sheriff.

RETURN.

Received this Writ this day of 18 at o'clock P.M.

I have served the same, by delivering a copy thereof, with the  
return thereon.

I have also served by a copy thereof with the endorsement thereon,  
certified, at the usual place of residence of the within named  
party.

At \_\_\_\_\_ I have  
\_\_\_\_\_

\_\_\_\_\_ Deputy, Sheriff.

SUBPOENA. Duces Tecum.

STATE OF OKLAHOMA,  
Cherokee County.

In District Court.

J. D. Cox, Plaintiff, )

vs )

Augustus L. Rogers and  
others Defendants. )

No. 89 CIVIL.

THE STATE OF OKLAHOMA,

To J. George Wright, Commissioner, etc., Greeting:

You Are Hereby Commanded to appear before the District Court of Cherokee County, at the Court House thereof, on the 12th day of November, 1908 at 10 o'clock A. M., to testify as a witness on behalf of the plaintiff in a certain action pending in said Court, wherein J. D. Cox is Plaintiff and Augustus L. Rogers, Mary May Rogers, John W. Rogers, Louise B. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers are defendants, and bring with you all records and files of your office relating to the identification of the defendants as citizens of the Cherokee Nation and their enrollment and allotment under the acts of Congress of 1896 and 1902 and the acts amendatory thereof and not depart without leave of Court.

Hereof fail not under penalty of law.

I, the undersigned  
Judge of the  
District Court of  
Cherokee County,  
Oklahoma, do hereby  
order that the  
within named witness  
attend as within  
commanded provided  
the legal fees are paid  
if demanded.

Dated this the 2nd day  
of Nov. 1908.

Jno. H. Pitchford,  
District Judge.

In Witness Whereof, I have hereunto set my hand  
and official seal, this 2nd day of November, 1908.

W. H. Talley, Dist. Clk. (SEAL)

By Jas D. Guinn, Deputy.

*Served at 7<sup>20</sup> pm Nov 11.*

( C O P Y )

APPLICATION FOR ENROLLMENT

---

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabiniss 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 Augustus L. Rogers, for and on behalf of himself and heirs, this day make\_ 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 the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood; and Petitioner state\_ that he is a Cherokee Indian by blood, deriving the same from his father , William Rogers, who was the son of John Rogers & Sarah Rogers, Kee Corderoy, who was a half breed Cherokee Indian. Your petitioner further shows that his name appears on the giler roll taken in 1851, No. 1738 , and on the Chapman Roll of 1852, No. 1656, and that he was readmitted by the Cherokee Citizenship Committee Oct.\_13th 1887, as will appear by reference to Executive Certificates herewith filed marked Ex. A. & B. & C., whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 18----- 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 Cherokee citizens, and petitioner herewith files-----proof in support of said claim, and respectfully awaits the time when----- application shall be heard and tried.

Respectfully submitted,

(Signed) AUGUSTUS L. ROGERS

Enrollment of family, with relationship attached, as follows:

Names,	Ages.	Relationship.
Augustus L. Rogers,	47	Petitioner
Mary E. Brown, Nee Rogers,	22	Daughter
Junia E. Summerour, Nee Rogers	19	Daughter
May M. Rogers	15	
John W. Rogers	13	Son
Louisa E. Rogers	10	Daughter
Ruth A. Rogers,	4	Daughter
Robert C. Rogers	1	
James C. Rogers ( twins)	1	

IN WITNESS WHEREOF -----hereunto set-----hand---this-----day  
of -----1896.

(Signed) AUGUSTUS L. ROGERS

+++++

( INDORSIMENT )

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

AUGUSTUS L. ROGERS-----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)

AUGUSTUS L. ROGERS

Subscribed and sworn to before me on this the 7 day of Sept. 1896  
(Signed) J. D. COX

( S E A L )

NOTARY PUBLIC

My Commission expires June 15th 1897.

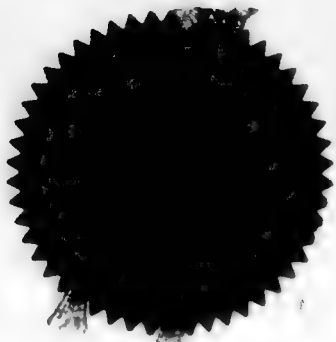


DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

WASHINGTON, APR -5 1917, 191

I, E. B. Meritt, Assistant, Commissioner  
of Indian Affairs, do hereby certify that the papers hereto attached  
are true copies of the originals as the same  
appear of record in this Office.

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



*E. B. Meritt*  
Assistant Commissioner.

Chas. R. 983, 217

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT.

Name of Applicant *Charles* Nation  
 Date of Birth *24<sup>th</sup> Feb 1887*  
 Name of Father *Augustus L. Rogers* Nation *Cherokee*  
 Name of Mother *Julia A. Rogers* Nation *Cherokee*  
*Cherokee and her*

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA

I, *Julia A. Rogers* of the Nation of *Cherokee*  
 do hereby certify that *Augustus L. Rogers* of the Nation of *Cherokee*  
 and *Henry A. Rogers* of the Nation of *Cherokee*  
 are the parents of the above named child.  
 Witness my hand and seal this *24<sup>th</sup>* day of *Feb* 1887.  
 Julia A. Rogers

Witnesses to Mat. { *John Deuch*  
*R. H. ...*

Subscribed and sworn to before me this *24<sup>th</sup>* day of *Feb* 1887 at *Waynesville, N.C.*

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA Indian Territory

I, *...* do hereby certify that I attended on Mrs. *...* on the *...* day of *...* 1887, and that she delivered a child that said child was living March 1, 1887, and is said to have been named *...*

Witnesses to Mat. {  
 (Name to be written)

Subscribed and sworn to before me this *...* day of *...* 1887 at *...*

Notary Public.

5-

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

IN RE APPLICATION FOR ENROLLMENT.

Name of Father *Augustus L. Rogers* a citizen of the *Cherokee* Nation  
Name of Mother *Julia W. Rogers* wife of the *Cherokee* Nation  
Place *Alcumma Ind. Ter.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA Indian Territory }  
District }

I, *Julia W. Rogers*, do hereby declare that I am *forty five* years of age and a citizen of the *Cherokee* Nation that I am the lawful wife of *Augustus L. Rogers* who is a citizen by blood of the *Cherokee* Nation that a *Male* child was born to me on the *24<sup>th</sup>* day of *Dec* 1872 that said child has been named *John William Rogers* and was born March 4 1873

Witness to Matn. *Julia W. Rogers*  
(Male or Female) { *A. S. Pugh*  
*A. W. McElwain*  
Subscribed and sworn to before me this *24<sup>th</sup>* day of *May* 1875  
*W. J. Roach* Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA Indian Territory }  
District }

I, \_\_\_\_\_ do hereby declare that I attended on Mrs. \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ that there was born to her one said child a \_\_\_\_\_ child that said child was born March 4 1873 and is said to have \_\_\_\_\_

Witness to Matn. \_\_\_\_\_  
(Male or Female) { \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1875  
Notary Public.

4

*Cherokee* 2717 P

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT.

Name of Child *Ruth August* Date of Birth *April 1892*

Name of Father *Augustine L. Rogers* of the *Cherokee* Nation

Name of Mother *Julia A. Rogers* of the *Cherokee* Nation

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
District of \_\_\_\_\_

I, *Julia A. Rogers*, \_\_\_\_\_ years of age and a citizen by \_\_\_\_\_ of the *Cherokee* Nation  
 that I am the lawful wife of *Augustine L. Rogers*, \_\_\_\_\_ who is a citizen by \_\_\_\_\_ of the *Cherokee* Nation, that a *female* child was  
 born to me on the *4th* day of *April*, 1892, that said child has been named  
*Ruth Augusta Rogers* and was living March 4, 1895

Witnesses to Me: \_\_\_\_\_

(Man or Two) { *J. P. Roach*  
 (Woman) { *A. S. Block*

Subscribed and sworn to before me this *24th* day of *May*, 1895  
*W. P. Roach* (Notary Public)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
District of \_\_\_\_\_

I, \_\_\_\_\_, on oath make that I  
 attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 1895, that there was born to her on said date a  
 child; that said child was living March 4, 1895, and is said to have been named \_\_\_\_\_

Witnesses to Me: \_\_\_\_\_

(Man or Two) {  
 (Woman) {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1895.

Notary Public.

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DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT.

Name of Child *John Henry* 1856  
 Name of Father *Augustus E. Rogers* Cherokee  
 Name of Mother *Julia E. Rogers* Cherokee  
*Cherokee, Ind. Ter.*

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA  
 I, *Julia E. Rogers*  
 do hereby certify that *John Henry*  
 was born to me and *Augustus E. Rogers*  
 a *Cherokee* Indian  
 on the *24th* day of *May* 1856  
 at *Cherokee, Ind. Ter.*  
 Witnesses to Me *Julia E. Rogers*  
 (Must be Two) *R. H. [unclear]*  
 Subscribed and sworn to before me this *24th* day of *May* 1856  
*M. J. [unclear]*

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA (State of )  
 District of )  
 I, \_\_\_\_\_ do hereby certify that I  
 attended on Mrs. \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ 1856  
 child that said child was born March 1st 1856  
 Witnesses to Me  
 (Must be Two) \_\_\_\_\_  
 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1856  
 Notary Public

C

DEPARTMENT OF THE INTERIOR.

ADMISSION TO THE FIVE CIVILIZED TRIBES.

DECLARATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
August Rogers, born on the 8th day of May, 1895
Augustine L. Rogers, a citizen of the Cherokee Nation.
John H. Rogers, adopted citizen of the Cherokee Nation.
Chelsea Ind., Ter.

AFFIDAVIT OF MOTHER.

AMERICA, Indian Territory,
District,
Julia A. Rogers, on oath state that I am forty-five
years of age, by adoption, of the Cherokee Nation,
Augustine L. Rogers, who is a citizen, by
of the Cherokee Nation; that a male child was
the 8th day of May, 1895; that said child has been named
August Rogers, and was living March 4, 1905.

Witness my hand and seal this 24th day of May, 1905.
W. J. Roach, J. P.
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

AMERICA, Indian Territory,
District,
on oath state that I
wife of
that there was born to her on said date a
Male or Female
and in said to have been named

Cherokee # R-753

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the

Cherokee Nation.

of James C. Rogers, born on the 8<sup>th</sup> day of May, 1895

Name of Father: Augustine L. Rogers a citizen of the Cherokee Nation.

Name of Mother: Julia A. Rogers a citizen of the Cherokee Nation.  
Postoffice Chelsea Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY }  
District }

I, Julia A. Rogers, on oath state that I am forty five years of age and a citizen by adoption of the Cherokee Nation; that I am the lawful wife of Augustine L. Rogers, who is a citizen, by blood of the Cherokee Nation, that a male child was born to me on the 8<sup>th</sup> day of May, 1895; that said child has been named James Clarence Rogers, and was living March 4, 1905.

Witnesses to Matn.

(Must be Ter-ritoryans) } J. C. Roach  
A. J. Indick

Julia A. Rogers

Subscribed and sworn to before me this 24<sup>th</sup> day of May, 1905.  
W. J. Roach J.P.  
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY }  
District }

I, \_\_\_\_\_, on oath state that I attended on Mrs. \_\_\_\_\_ wife of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 1905, that there was born to her on said date a \_\_\_\_\_ child, that said child was living March 4, 1905, and is said to have been named \_\_\_\_\_

Witnesses to Matn.

(Must be Ter-ritoryans) }

Cherokee D 1248.

Muskogee, Indian Territory, November 10, 1902.

Augustus L. Rogers,  
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself and your six minor children, Mary M., John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 29, 1902.

Respectfully,



Acting Chairman.



Muskogee, Indian Territory, March 3, 1902

Mr. J. W. [Name],  
[Address], Indian Territory,

You are hereby notified that the application of [Name] [Age] and six [Age] [Age]

to enrollment as [Status] 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 [Date], 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, [Date].

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.

J. W. [Name],  
[Address], I. T.

[Signature]

Commissioner in Charge.

Cherokee D-1248

Muskogee, Indian Territory, March 20/ 1902.

Mr. J. D. Cox,

Attorney at Law,

Wagoner, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of March 16, stating that Hon. John R. Thomas will appear for you, as attorney in the application for enrollment as a citizen of the Cherokee Nation of A. T. Rogers et al, and the same has been duly noted.

Yours truly,

Commissioner in Charge.

Cherokee D 1248.

Muskogee, Indian Territory, September 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Augustus L. Rogers for the enrollment of himself and his six minor children, Mary M., John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 23.

Cherokee D 1248.

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Augustus L. Rogers for the enrollment of himself and his six minor children, Mary M., John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Acting Chairman.

Enc. C. No. 22.

Cherokee D 1248.

Muskogee, Indian Territory, September 24, 1902.

J. D. Cox,

Attorney for Augustus L. Rogers, et al.,

Wagoner, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Augustus L. Rogers for the enrollment of himself and his six minor children, Mary M., John W., Louise M., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation.

You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Enc. C. No. 21.

Acting Chairman.

Register.

Cherokee D 1248.

Muskogee, Indian Territory, September 24, 1902.

Augustus L. Rogers,  
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting your application for the enrollment of yourself and your six minor children, Mary W., John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation.

There has heretofore been furnished your attorney, J. D. Cox, Wagoner, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

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

Respectfully,

Enc. C. No. 20.  
Register.

Acting Chairman.

Refer in reply to  
the following:  
Land.  
58,454-1902.

(Copy)  
Department of the Interior,  
Office of Indian Affairs,  
Washington, Oct. 23, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Augustus L. Rogers for the enrollment of himself and six children as Cherokee citizens by blood.

On September 20, 1902, the commission rendered a decision in this case finding that the evidence shows that the applicant, Augustus L. Rogers, together with his family, moved to the Cherokee Nation from the State of Georgia, in 1894. From the records of the commission it appears that said Augustus Rogers and children, Mary M., John W., Louise E., Ruth A., Robert C., and James C. Rogers filed their original application under the Act of Congress approved June 10, 1896, (29 Stats., 321), with the Commission to the Five Civilized Tribes for admission as citizens by blood of the Cherokee Nation which application was granted by the commission and no appeal taken therefrom; that the evidence further shows that said Augustus L. Rogers and children returned to the State of Georgia in 1896 where they have since resided; that they were not residing in the Indian Territory on

June 28, 1898, nor at the date of this application; that paragraph 9, section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," and that under said provision it is the opinion of the commission that the application of Augustus L. Rogers for the enrollment of himself and children should be denied.

The office has examined the evidence in this case and finds that the same supports the said allegations of the commission. There is an attempt on the part of the applicant to show that he left the Cherokee Nation upon the advice of a physician for the benefit of <sup>the</sup> ~~his~~ health of his wife. There is also evidence submitted by him tending to show that he left effects in said nation when he removed therefrom consisting of a stove and a few chairs which effects were in the possession, presumably, of some neighbor.

The office does not believe under the whole testimony that the applicant herein ever in good faith settled in the Cherokee Nation. He was there but a short time before making this application.

It is therefore recommended that the decision of the commission herein be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(W.C.B.) P.



D. C. No. 20577-1902.

J. P.

Department of the Interior,

FHE

L.R.S.

Washington, October 29, 1902.

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

Gentlemen:

The Department has considered the case involving the application of Augustus L. Rogers, for the enrollment of himself and his minor children, Mary M., John W., Louise E., Ruth A., Robert C., and James C. Rogers, as citizens by blood of the Cherokee Nation.

It appears that the principal applicant and his family, moved to the Cherokee Nation in 1894; that and said children were admitted to citizenship in the Nation by your Commission, acting under the act of June 10, 1896 (29 Stat., 321), and no appeal was taken to the court; that in 1896 the parties removed to Georgia, where they have since resided, and that they were not residing in the Indian Territory June 28, 1898.

Referring to paragraph 9 Section 21, of the act of June 28, 1898 (30 Stat., 495), which provides that

-2-

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

you rejected the application.

Submitting the case October 23, 1902, the Acting Commissioner of Indian Affairs recommends that the decision of the Commission be concurred in. Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed herewith.

Respectfully,

E. A. Hitchcock,

Secretary.

G. W. E.

1 inclosure.

COPY.

Cherokee D 1248.

Muskogee, Indian Territory, November 10, 1902.

J. D. Cox,

Attorney for Augustus L. Rogers et al,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Augustus L. Rogers for the enrollment of himself and his six minor children, Mary M., John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 29, 1902.

Respectfully,

*W. H. Byrd*

Acting Chairman.

COPY.

Cherokee D 1248.

Muskogee, Indian Territory, November 10, 1902.

Augustus L. Rogers,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself and your six minor children, Mary M., John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 29, 1902.

Respectfully,

*Tame Fixby*  
Acting Chairman.

COPY.

Cherokee D 1248.

Muskogee, Indian Territory, November 10, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Augustus L. Rogers for the enrollment of himself and his six minor children, Mary M., John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 29, 1902.

Respectfully,

*Tame Dixby.*  
Acting Chairman.

94

COMMISSIONERS  
HENRY T. DAWES  
JAMES L. KIDY  
THOMAS H. NELSON  
C. R. BRIDGEMAN

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

Cherokee R-753

ALLS N. E. AVENUE, N. Y. N. Y.

Muskogee, Indian Territory, December 11, 1902.

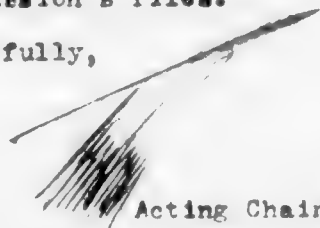
Augustus L. Rogers,  
Chelsea, Indian Territory.

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application notice from this Commission, dated November 24, 1896, that your application for citizenship had been granted.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,



Acting Chairman.

Enc. N-12

Department of the Interior,  
RECEIVED  
NOV 16 1903  
*W. C. ...*  
Indian Territory Division.

NOVEMBER 13th.

11018

Sir:-

We have the honor to enclose herewith an application to the Secretary of the Interior to set aside the decision of the Secretary of the Interior affirming the decision of the Commission to the Five Civilized Tribes, approved October 29th, 1902, and that said cause be remanded to the Commission to the Five Civilized Tribes with instructions to enroll Augustus L. Rogers, and his six minor children as Cherokee citizens by blood, which we respectfully ask be filed and considered.

Respectfully submitted,

*Jefferson D. Best* and  
*Thomas and Harrison*  
Attorneys for Claimants.

The Honorable,

The Secretary of the Interior,

Washington, D. C.



1874

OFFICE OF  
Indian Affairs  
Rec. JAN 9

1904

2 956

*[Faint handwritten notes, possibly including "Case" and "11/11"]*

*[Large handwritten signature]*  
13/85

*[Handwritten initials]*

OFFICE OF  
ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE ENROLLMENT

W. W. HAWKINS, ATTORNEY  
J. C. STARR, SECRETARY

Vinita, Indian Territory, JAN 6 1904

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:-

Transmitted herewith is a reply brief on behalf of the Cherokee Nation in the Cherokee enrollment case of Augustus L. Rogers et al No. Cherokee D. 1248. This brief is in reply for review filed by Harry G. Kimball & William Henry White, attorneys for the applicant. We have this day caused to be registered to the said Harry G. Kimball & William Henry White a copy of this reply brief, and the original reply brief shows proper proof of service.

Respectfully,

W. W. Hawkins  
Attorney for the Cherokee Nation.

Refer in reply to the following

Land.  
1874-1904.

## Department of the Interior,

OFFICE OF INDIAN AFFAIRS

WASHINGTON, Feb. 2, 1904.

C O P Y.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of October 29, 1902 (I.T.D. 6559), there is inclosed, herewith, a communication from W. W. Hastings, attorney for the Cherokee Nation, dated January 6, 1904, transmitting a reply brief on behalf of the Cherokee Nation in the matter of the enrollment of Augustus L. Rogers, et al., as citizens of the Cherokee Nation. Mr. Hastings says the brief is in reply to a memorandum for review filed by Kimball & White, attorneys for the applicants, and that a copy of the same has been transmitted to them by registered mail. Registry receipt accompanies the papers.

The records of this office show that on October 29, 1902, the Department approved the decision of the Commission adverse to these applicants and that there has been no action subsequent to that date, except that the Commission to the Five Civilized Tribes, on September 21, 1903, recommended that the record in this case be returned in order that the Commission might readjudicate its decision

-2-

therein in accordance with the holding of the Department subsequent to the date of the original decision. The Commission's report of September 21st, last, was transmitted with office report of October 7, 1903.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW:LKS.

3 Inclosures.

D.C.8501-1904.

I.T.D. 5559-1902  
7162-1903  
986-1904.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

MARCH 16, 1904.

JP  
PHE

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

Gentlemen:

October 29, 1902, the Department affirmed your decision respecting the application of Augustus L. Rogers for the enrollment of himself and minor children, Mary M., John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, under the interpretation at that time of paragraph 9 of section 21 of the act of June 22, 1898 (30 Stats., 495).

On September 21, 1903, in view of the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case, you requested that the case be remanded for readjudication by you. On December 4, 1903, a motion for review of the decision of October 29, 1902, was made by the claimants, and on February 2, 1904, the Indian Office submitted the reply brief of the Cherokee Nation, not served, however, upon Messrs. Thomas & Harrison, of Muskogee, who filed the motion for review.

The Department considers it advisable to remand the case in order that further testimony may be taken, and for readjudication in accordance with present rulings.

It is shown that the principal applicant and his family came to the Cherokee Nation from Georgia in March, 1896; that his family remained there about four months; that during that time the two younger children were born; that the principal applicant returned to Georgia in the latter part of 1896, probably in September. It is claimed that the family returned to Georgia on account of the ill health of the principal applicant's wife. It is shown that the applicants made application for enrollment to your Commission on September 9, 1896, under the act of June 10, 1898 (29 Stats., 321), and that they were "admitted" to citizenship in the Cherokee Nation by your Commission in accordance with said act, the judgment stating that they had been admitted by the act of the Cherokee Council on 8th of December, 1896.

The principal applicant claims to have left some effects in the Cherokee Nation when he returned to Georgia in 1896, "chairs and a stove." He stated that he had never exercised the rights of citizenship in Georgia after his return in 1896, and that he did not then vote in that state.

The decision of October 29, 1902, is rescinded. The testimony with papers attached, and argument filed since the case reached the Department, are inclosed.

Respectfully,

Signed T os Ryan

Acting Secretary.

3 inclosures.

Cherokee R-753

Tahlequah, Indian Territory, March 31, 1904.

Augustus L. Rogers,

Chelsea, Indian Territory.

Dear Sir:

You are hereby notified that on March 16, 1904, the Secretary of the Interior rescinded his decision of October 29, 1902, affirming the decision of the Commission of September 29, 1902, rejecting the application made by you for the enrollment of yourself and minor children as citizens by blood of the Cherokee Nation, and remanded the same in order that further testimony may be taken.

You will be allowed thirty days from date hereof in which to appear before the Cherokee Land Office of this Commission at Tahlequah, I.T., for the purpose of introducing further testimony as to your continued residence in the Cherokee Nation.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

NE





Cherokee R-753.

Tahlequah, Indian Territory, March 31, 1904.

J. D. Cox,

Attorney for Augustus L. Rogers,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that on March 16, 1904, the Secretary of the Interior rescinded his decision of October 29, 1902, affirming the decision of the Commission of September 20, 1902, rejecting the application of Augustus L. Rogers for the enrollment of himself and minor children as citizens by blood of the Cherokee Nation and remanded said case in order that further testimony may be taken.

Augustus L. Rogers has this day been notified of the action of the Department, and has been given thirty days from date hereof in which to appear before the Cherokee Land Office of this Commission at Tahlequah, I.T., for the purpose of introducing further testimony as to his continued residence in the Cherokee Nation.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MM

R753

FEB 2 1961

Cherokee R-753.

Tahlequah, Indian Territory, March 31, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 16, 1904, the Secretary of the Interior rescinded his decision of October 29, 1902, affirming the decision of the Commission of September 20, 1902, rejecting the application of Augustus L. Rogers for the enrollment of himself and minor children as citizens by blood of the Cherokee Nation and remanded said case in order that further testimony may be taken.

Augustus L. Rogers has this day been notified of the action of the Department, and has been given thirty days from date hereof in which to appear before the Cherokee Land office of this Commission at Tahlequah, I.T., for the purpose of introducing further testimony as to his continued residence in the Cherokee Nation.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

MH

Cherokee R-753.

Tahlequah, Indian Territory, May 16, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed the original jacket and record in the matter of the application of Augustus L. Rogers, et al, for enrollment as Cherokee citizens, Cherokee R-753, together with the testimony taken on May 6, 1904. The case is believed to be ready for readjudication.

The original card in this case is at Muskogee.

Respect fully,

MH  
Enc. H-186.

Commissioner in Charge  
Cherokee Land Office.

COPY

Cherokee D-1248.

Muskogee, Indian Territory, November 21, 1904.

Mrs. A. L. Rogers,

Sheltonville, Georgia.

Dear Madam:

The Commission is in receipt of your letter of November 7, relative to the enrollment of your husband and children as citizens by blood of the Cherokee Nation.

In reply, you are advised that the Commission has not yet rendered a new decision in this case. When a decision has been prepared the parties concerned will be furnished with a copy.

Respectfully,

*Tamm Dixby.*  
Chairman.

COPY

Cherokee R-753.

Muskogee, Indian Territory, November 30, 1904.

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

Dear Sir:

In the matter of the application for the enrollment of Augustus L. Rogers, et al., as citizens by blood of the Cherokee Nation, there is herewith inclosed copy of an order dated November 29, 1904, and signed by Commissioner Needles, same to be filed with and made a part of the record in this case.

Respectfully,

Incl. S-68.

SIGN

*[Signature]*  
Commissioner in Charge.

COPY.

Cherokee R-753.

Muskogee, Indian Territory, January 12, 1905.

Augustus L. Rogers,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 28, relative to your enrollment as a citizen by blood of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a new decision in your case. You are further advised that this matter will be taken up in the near future, and when a decision has been prepared you will be furnished with a copy.

Respectfully,

*Jame Dixby.*  
Chairman.

Cherokee  
R 753

Muskogee, Indian Territory, May 13, 1905.

Mrs. Augustus L. Rogers,  
Sheltonville, Georgia.

Dear Madam:

Enclosed find ( 6 ) blank form of birth affidavits, which it is respectfully requested that you have filled out at once, showing the date of the birth of your children, for whom application has been made for enrollment as citizens by blood of the Cherokee Nation, and forward to the Commission at Muskogee, Indian Territory, at your earliest convenience. This in order that your children's case may be immediately disposed of.

Enclosed find penalty envelope for reply, requiring no postage.

Respectfully,

7 Encl. B-12

Chairman



COPY

Cherokee R-753.

Muskogee, Indian Territory, May 18, 1905.

J. D. Cox,

Attorney for Augustus L. Rogers, et al.,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the papers in the matter of the application for the admission of Augustus L. Rogers, et al. to citizenship in the Cherokee Nation under Act of June 10, 1896, together with a copy of an order of the Commission dated May 17, 1905, making same a part of the record in the matter of the application for the enrollment of the said Augustus L. Rogers, et al. as citizens of the Cherokee Nation.

Respectfully,

SIGNED: *Tame D. By.*  
Chairman.

Incl. S-23.

U. R. 153

INDEXED

COMMISSION TO FIVE TRIBES.		
No.	Received	Book
2782		
1905 MAY 31 1905		

Report of the Commission to Five Tribes,  
 Washington, D. C., 1905.

Transmitted to the Commission to Five Tribes,  
 the report of the Commission to Five Tribes,  
 Louise B. Ruth, Robert C. Rogers,  
 and James C. Rogers, Cherokee.

CHE... MENT

Sheltonville Ga. May 23 1908  
 To the Commission of the Fine  
 Civilized Tribes Muskogee Ind. Ter.

Dear Sirs, Yours of 13<sup>th</sup>  
 was delayed in transportation  
 It failed to reach me until 19<sup>th</sup>  
 I enclose herewith affidavits  
 you will see I could not get  
 Physicians affidavits but if you require  
 it I can get affidavits from other  
 parties who know they actually attended  
 me at birth of these children I also  
 that they are dead, my husband May  
 know of the whereabouts of Dr. Dix as  
 as he is living near Cherokee Ind. Ter.  
 You will see I gave my sons address  
 Allamore Ind. Ter. John W. Rogers as he  
 is of age and living in Cherokee Nation  
 The girls are unmarried and are with  
 me also the little children they are growing  
 very impatient to know whether they are  
 going to get to live in their own country  
 Our kind regards  
 yours very respectfully

Mrs. Augustus L. Rogers

P.S. Enclosed find Certificate  
 from ordering of Shelton Co.  
 North Ga. which you require Dr.  
 Rogers affidavit and see two papers to  
 Augustus L. Rogers Cherokee Ind. Ter.

COPY.

Cherokee R-755.

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Augustus L. Rogers, et al., as citizens by blood of the Cherokee Nation, including the Commission's decision dated June 30, 1905, granting said application.

On March 16, 1904, this case was remanded for further hearing and readjudication.

Respectfully,

Incl. S-99

*James Sixby*  
Chairman.

Through the

Commissioner of Indian Affairs.

*James C. Ro*

2071.

Cherokee R-753.

Muskogee, Indian Territory, June 30, 1905.

Assistant L. Rogers,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 29, 1905, granting the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation. There has heretofore been furnished you, attorney, J. F. Cox, Tahlequah, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

(SIGNED) *James Dixby.*

Chairman.

Incl. S-38  
Register

Cherokee R-753.

Muskogee, Indian Territory, June 30, 1905.

J. T. Cox,

Attorney for Augustus L. Ropers, et al.,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Augustus L. Ropers, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

*Wm. Bixby*

Chairman.

Incl. S-97  
Register

COPY.

Cherokee R-753.

Muskogee, Indian Territory, June 30, 1905.

W. V. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Augustus L. Rogers, et al., as citizens by blood of the Cherokee Nation.

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

Respectfully,

*Tame Bixby.*

Chairman.

Incl. S-98

CUP

Cherokee R-753.

Muskogee, Indian Territory, August 4, 1905.

The Honorable,

The Secretary of the Interior

Sir:

There is transmitted herewith reply of J. D. Cox, attorney for Augustus I. Rogers et al., to the argument on behalf of the Cherokee Nation in the matter of the application for the enrollment of Augustus I. Rogers and family as citizens by blood of the Cherokee Nation.

The record of proceedings, including the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, was forwarded to the Department on June 30, 1906.

Respectfully,

(SIGN)

*James Sixby*  
*James Sixby*  
Commissioner.

Incl. I-150.

GHL



Land.  
51822-1905.  
55785-1905.  
61675-1905.  
66584-1905.

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

August 26, 1905.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation, by Augustus L. Rogers for himself and his minor children, Mary May, John W., Louise E., Ruth A., Robert C. and James C. Rogers.

June 30, 1905, the Commission decided favorably to all the applicants.

The record shows that on September 20, 1902, the Commission rendered a decision denying these applicants enrollment and that the same was approved by the Department; that, thereafter, on March 16, 1904 (I.T.D. 986-1904) the Department rescinded its action and remanded the case for further testimony and readjudication in accord with present rulings.

The record further shows that all the applicants are Cherokees by blood; that the minor applicants are the children of the principal applicant and one Julia Rogers, a non-citizen of the Cherokee Nation; that all of the applicants who were then living were, on October 13, 1887, admitted to citizenship in the Cherokee Nation by the proper authorities thereof;

that all the applicants were granted Cherokee citizenship by the Commission under the act of June 10, 1896, and no appeal was taken therefrom; and that all of the applicants became bona fide resident citizens of the Cherokee Nation within the time specified in the act of the Cherokee Council approved December 4, 1904.

There is also enclosed a letter, dated July 15, 1905, from the attorney of the Cherokee Nation, transmitting a brief on behalf of the Nation in this case, and the same has received due consideration. Also, on August 5, 1905, there was filed by J. D. Cox, attorney, a brief on behalf of the applicant herein, which has been carefully considered. Also, under date of August 7, 1905, the Acting Commissioner to the Five Civilized Tribes enclosed a duplicate of the last named brief on behalf of the applicants.

In view of the record the approval of the Commission's decision of June 30, 1905, favorable to all of the applicants is recommended.

Very respectfully,

F. E. Leupr,

Commissioner.

M.N.M.(V)

Muskogee, Indian Territory, October 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith reply of J. D. Cox, attorney for applicants, to argument on behalf of the Cherokee Nation in the matter of the application for the enrollment of Augustus L. Rogers, et al., as citizens of the Cherokee Nation. The decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, was, on that date, forwarded for Departmental action.

On August 4, 1905, there was forwarded to the Department a reply brief of applicants to the argument of the attorney for the Cherokee Nation in this case.

Respectfully,

Incl. S-293

Commissioner.

Through the

Commissioner of Indian Affairs.

File 1-13.

Waskohee, Indian Territory, October 30, 1905.

J. P. Cox,

Attorney for Augustus L. Rogers, et al.,

Talleguah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 13, inclosing for transmission to the Department, reply of applicants to argument on behalf of the Cherokee Nation in the matter of the application for the enrollment, as citizens of the Cherokee Nation, of Augustus L. Rogers, et al. The same has this day been forwarded to the Department.

You are advised that under date of August 4, 1905, this office transmitted to the Department a reply brief received from you in this case.

Respectfully,

IS

Commissioner.

J. R. W.

W. C. P.

S. V. P.

DEPARTMENT OF THE INTERIOR,

Office of Assistant Attorney-General

I.T.D.  
10930-1908.

Washington.

April 4, 1906.

The Secretary of the Interior.

Sir:

I received by reference of October 30, 1905, for opinion the son, the record in application of Augustus E. Rogers for enrollment of himself and certain descendants as citizens by blood of the Cherokee Nation.

June 30, 1905, the Commission to the Five Civilized Tribes found as fully established by the evidence that all the applicants are Cherokees by blood, the minors being children of Augustus and Julia Rogers, a non-citizen; that Augustus E., Mary May, John W., and Louise E. Rogers were admitted to citizenship by the properly constituted Cherokee authorities October 13, 1897, and were granted citizenship by the Commission under the act of June 10, 1896, and no appeal therefrom was taken:

that all the applicants herein became bona fide resident citizens of the Cherokee Nation within the time specified in the act of the Cherokee Council, approved December 4, 1894, and that under the rulings of the Department in the cases of John R. Ketchum, Joseph D. Yeargain, and Stonewall J. Rogers, said applicants must be held to have been bona fide residents of the Cherokee Nation on September 1, 1902.

and allowed their enrollment. The Indian Office advised approval

of that action.

The brief of counsel for the nation opposing the application states that the finding of the Commission "fairly states the facts set forth in the testimony." The brief, however, shows that this admission does not extend to its conclusion that the facts of the case bring it within the rule of the decisions cited. The brief of counsel argues that Roger's testimony--

admits that immediately after his admission in the fall of 1896 (by Dawes Commission) he moved himself and family back to Sheltonville, Ga., where his family has continued to reside since that time, although he has made occasional visits to the Cherokee Nation, he says, "None of my family have been in the Cherokee Nation since we left here in 1895," so that really no member of his family has been in the Cherokee Nation since he was admitted under the act of June 10, 1896.

From this statement of contention reviewing and commenting on the evidence, it is evident that the finding of the Commission (necessarily implied from what it specially found and its conclusion thereon) is not admitted. That necessarily implied finding of fact is that Roger's removal to Georgia in 1895 was not with view to there remaining, and that he did not remove his person and effects from the nation within the intent and meaning of the expatriation clause of the Cherokee Constitution

defining how citizenship of the nation is lost. This finding of fact is necessarily implied by the action of the Commission and its reference to the case of Yeargain. As this is clearly not admitted by counsel to be fair and accurate, I have looked into the evidence bearing on that question. Upon this critical question the Commission makes no express finding of the ultimate fact or conclusion deduced from the evidence, but contented itself with a rehearsal of the evidence merely. The Commission, reducing the testimony to narrative, gives Roger's testimony as follows:

October 2, 1901, I and my family removed from Ga. to the Cherokee Nation in March, 1895, or 1896; I remained about six months, my family about four months; . . . my wife's health became so bad that upon advice of her physician she, taking with her the children, returned to our old home in Ga. where they have since continuously resided, and a couple of months later I followed them, but have returned to the Cherokee Nation each year since. I left some household goods, 1 heating stove, about 1-1/2 dozen chairs, and owned a farm . . . something over 200 acres, about 50 under cultivation; paid \$50 for it subject to a lease; have never had possession of it, and have received no rents from it. Have since my return to Ga. had nothing to do with governmental affairs of said State, never voted, always refused jury service, because I claimed citizenship in the Cherokee Nation.

May 6, 1904, omitting repetition, the furniture left in 1895 was about 1/2 dozen chairs, 2 or 3 rockers, heating stove, and bedstead; have not seen it for a long time, suppose it is packed; intend to use it when I move my family back, which I intend to do this fall whether our application for enrollment is

granted or not. Still own the farm then bought, about 3 miles east of Chelsea, subject to a lease which expired about a year ago; have done nothing with it since the lease expired; never received rent except one payment to my attorney the next year after I bought it, but understand my tenant is holding it as an adverse claimant. I have another farm on Ganey that I authorized Mr. Cox to buy for me when here in 1911, on which is a box house and 35 acres in cultivation; have never had actual possession of it nor rents from it; have not yet paid any money for it, but expect to reimburse Mr. Cox, who advanced his money and made the deal for me. Own no property in Ga., but household goods. Wife's health is somewhat improved, but she is not entirely well. She owns and has owned for 20 years a forty acre farm in Ga. I have never exercised the rights of a Cherokee citizen, except that I sent my children to a Cherokee school here in 1895.

This was corroborated by the physician Dickson, who testified:

I told Mr. Rogers that the climate here was not agreeing with his wife and that she needed a change for a while. We left not long after I advised him, do not recollect that I advised him to take his wife to Ga., but as she was ruined there and acclimated, I consider that a climate favorable for her.

Also, the attorney Mr. Cox corroborated him as to the land transaction, and further testified:

I bought this farm (on Ganey) subject to a lease that expired about a year ago. After expiration of the lease I tried to rent it, but could find no renter; have not seen it since last January, understand the same man is on it as farmed it last. The farm near Chelsea was bought by Mr. Rogers subject to a lease; when it expired I demanded possession as agent for Mr. Rogers, but was refused, as those holding it expected to become citizens and intended to hold it as prospective allotments regardless of Mr. Rogers' rights. Did not bring action for possession as Rogers could not furnish the necessary money, and I did not think enough of his claim to advance it, and the improvements are practically worthless.



The documentary <sup>evidence</sup> is his application to the Commission in 1896, allowed September 7, 1896; affidavit of Rogers sworn to May 29, 1895, before the clerk of Cooweescowee District, that he then was and since March 28, 1895, had been resident of that district; the order of September 9, 1896, allowing the application; the written instrument of sale of the Chelsea farm to him by D. B. Pennington "for value," recorded Cooweescowee district August 21, 1895; and one of sale to him by S. Burton October 30, 1902, of the improvements on a quarter section, in Sec. 15, T. 22 N., R. 14 E., for the recited consideration of \$250.

It so appears that in August, 1895, Rogers purchased the possessory right to improved tribal lands, which could only be held by virtue of citizenship in the nation; that he still claims it, and that in 1902 he made a similar transaction, so that he had continuously investments in and claims to real property in the nation from prior to his admission to citizenship to this time. While a man's domicile and legal residence is presumed to be at his usual place of abode, that is rebuttable. The Commission having necessarily found as a fact that his actual removal from the nation late in 1896 was for a temporary purpose, and in view of the fact that he had been fully identified as entitled to the rights of Cherokee citizenship, admitted

thereto by the properly constituted authorities in 1897; that he removed and took up his residence there, in compliance with the Cherokee law, with intent permanently to remain, and was admitted to enrollment by the Commission in 1896, I am of opinion that the evidence does not disclose that he has become expatriated, either by operation of the Cherokee law, or yet by the act of Congress of June 28, 1898, and that the action of the Commission in enrolling him should be approved.

Very respectfully,

(Signed) Frank L. Campbell.

Assistant Attorney-General.

Approved: April 4, 1906.

F. A. Hitchcock.  
Acting Secretary.

COPY.

Cherokee  
# 753

Muskogee, Indian Territory, April 20, 1906

Augustus L. Rogers,  
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes rendered June 30, 1905, granting the application for the enrollment of yourself and your six minor children, Mary May, John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation was affirmed by the Secretary of the Interior April 9, 1906.

You are further advised that you will not be permitted to select allotments of land in the Cherokee Nation until your names have been included in a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

SIGNED:

*Wm. C. Davis*  
Acting Commissioner

LMB

COPY.

Cherokee  
R 783

Muskogee, Indian Territory, April 20, 1906

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes rendered June 30, 1905, granting the application for the enrollment of Augustus L. Rogers and his six minor children, Mary May, John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior April 9, 1906.

For your information a copy of Departmental decision referred to is herewith inclosed.

Respectfully,

SIGNED.

*Wm. C. Seale*  
Acting Commissioner

Incl. B-26

1203

Cherokee  
R 753

COPY.

Muskogee, Indian Territory, April 20, 1906

J. D. Cox,

Attorney for Augustus L. Rogers, et al.

Tahlequah, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes rendered June 30, 1905, granting the application for the enrollment of Augustus L. Rogers and his six minor children, Mary May, John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 9, 1906.

For your information a copy of Departmental decision referred to is herewith inclosed.

Respectfully,

SIGNED.

*W. C. D. Mail*  
Acting Commissioner

Incl. B-25

LMB

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



28

Department of the Interior.  
Office of the Commissioner of Indian Affairs,  
Washington, D. C.  
MUSEUM OF NATURAL HISTORY  
OFFICIAL BUSINESS.

Penalty for private use, \$300.







Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



3246

Mr. Augustus L. Rogers,

~~Muskogee, Indian Territory.~~

*Handwritten scribbles and numbers, possibly "37"*

Cher 10970

John B. Shook

Trans. from D113

Cher 10970

C7B

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

In the matter of the application for the enrollment  
of James Shook, et al., consolidating the applications of:

JAMES SHOOK, ET AL.  
WILLIAM T. SHOOK

CHEROKEE D 113  
CHEROKEE D 114

-----

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CIVILIZED TRIBES,  
MEMPHIS, TENN., AUGUST 13, 1900.

In the matter of the application of James Shook for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Shook and sworn by Commissioner Wadley, testified as follows:

- Q What is your name? A James Shook.  
Q Your age? A 66.  
Q Your postoffice address? A Union Town, Ark.  
Q Are you a citizen of the Cherokee Nation, A Yes, I suppose so.  
Q Don't you know your name? A I have always known so until now-- don't know what it is now.  
Q Are you on any of the rolls of the Cherokee Nation? A Yes.  
Q Claim citizenship by blood? A Yes.  
Q What district do you live in? A Sequoyah.  
Q How long have you lived there? A Ever since peace was made in '66.  
Q Continuously? A Yes.  
Q Never lived out? A No sir.  
Q What is your father's name? A Alex.  
Q Is he living? A No sir.  
Q What is your mother's name? A Callah.  
Q Is she living? A No sir.  
Q Are you married? A Yes.  
Q What is your wife's name? A Sarah B.  
Q What was her name before you married her? A Sears.  
Q When did you marry her? A Before the license law ever came into effect.  
Q Did you marry her before '80? A Yes.  
Q What district does she live in? A Sequoyah.  
Q Always lived there same as you? A Yes.  
Q Have you any children under 21 years of age? A Yes.  
Q What are their names? A John B., 18 years old.  
Q On '96 roll, page 994, number 1279.

- Q Next A Amos, 14 years old.  
Q On '96 roll, page 1107, number 1451;  
Q On '94 roll, page 994, number 1279, as Amos.  
Q Next A 12 years old.  
Q On '96 roll, page 1103, number 1452, as Lillie M.,  
Q On '94 roll, page 994, number 1280, as Lelia M.  
Q Are those children alive and living with you? A Yes.

By Mr. Hartman, Cherokee Attorney:

- Q Where were you in '60? A In Yell county, Ark.  
Q How long did you live in Yell county, Ark? A About 20 years.  
Q What year did you go there? A 1870.  
Q You remained there until '90? A I reckon it was '90. I don't know what year we came back; came back the year we drewed that bread money-- it was before the strip payment.  
Q All of these children born in Arkansas? A Yes.

By the Commission:

- Q When did you move back from Arkansas here? A In '90 I reckon.  
Q Been living here ever since '90 with your family, wife and children, all the time in this district? A Yes.  
Q Applicant on '96 roll, page 1103, number 1448;  
Q On '94 roll, page 994, number 1276.  
Q Applicant's wife, Sarah B., on '96 roll, page 1118, number 174, as Sarah B.

Q You say your wife's name before you married her was Sarah E. Sears?  
 A Yes.  
 Q You married her in the State of Arkansas? A Yes.  
 Q Was she a citizen of the Cherokee nation? A No, sir, not that I know of.  
 Q Neither was her father or mother? A No sir.  
 Q Did you apply for citizenship to the Commission to the Five Civilized Tribes known as the Dawes Commission? A Not for myself, but I did for some of my children.  
 Q When? A '96.  
 Q Were they admitted? A No sir.  
 Q Did you ever apply to the Cherokee Commissioners for admission?  
 A No sir, I thought I was a Cherokee and did not see any use of it.  
 Q You have never been readmitted by the Cherokee nation? A I don't know.

The names of James Shook and his wife, Sarah E., and his children, John E., Anos, and Lillie H., appear upon the census roll of '94 and pay-roll of '94 as indicated in the testimony given. Neither his name nor the name of his wife ~~xxxxxxxxxxxx children~~ appear upon the authenticated roll of '80, the testimony showing that he only became a resident of the Cherokee Nation in '90, having resided for 20 years previous thereto in the State of Arkansas where he married and his children were born, and he never applied to the Commission to the Five Civilized Tribes in '96; at least there is no record of him or his wife having been admitted. Final judgment as to himself, wife and children is suspended and the names will be placed upon the doubtful list.

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 correct transcript of his stenographic notes thereof.

*Brown McDonald*

Subscribed and sworn to before me this 30th day of August, 1900,  
 at Fort Gibson, I.T.

*(Signature)*

Commissioner.

COMMISSION TO THE CIVIL SERVICE  
FILED  
AUG 20 1900

Department of the Interior,  
Washington, D. C., August 11, 1900.

Mr. J. H. ...

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*James H. Jones*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioner

Sworn to and signed before me this 11th day of August, 1900.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
AUG 17 1900

  
ACTING CHAIRMAN

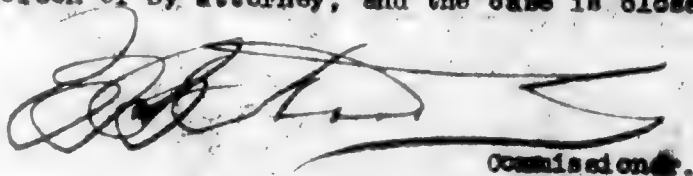


D. 113.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., February 18, 1902.

In the matter of the application of James Shook et al to  
be enrolled as citizens of the Cherokee Nation.

The applicant was notified by registered mail February 4, 1902,  
that his case would be taken up for final consideration by the  
Commission on the 18th instant, and that he could on said date  
appear before the Commission and introduce any additional testimony  
affecting his case. He has been called three times and fails to  
respond either in person or by attorney, and the case is closed.



Commissioner.

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CONFIDENTIAL

Office of the

MEMORANDUM FOR THE SECRETARY OF THE INTERIOR  
RE: THE PROCEEDINGS OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE  
IN THE MATTER OF THE APPLICATION OF WILLIAM E. PHOENIX FOR THE  
RENEWAL OF HIS LEASE OF THE LANDS BELONGING TO THE UNITED STATES  
IN THE COUNTY OF ... TERRITORY OF ...  
The above-named applicant has applied to the General Land Office  
for the renewal of his lease of the above lands for the term of  
years, and has shown that he is a citizen of the United States  
and that he is entitled to the same under the provisions of the  
Act of the Congress of the United States of America, approved  
January 18, 1850.  
It is the opinion of the Commission that the applicant is entitled  
to the renewal of his lease for the term of years.

WILLIAM E. PHOENIX, Applicant.  
February 18, 1903.  
S. P. ...  
Department of the Interior.

D. 114.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., February 18, 1902.

In the matter of the application of William T. Sheek for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered mail February 4, 1902, that his case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said date appear before the Commission and introduce any additional testimony affecting his case. He has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

File with Cherokee D-114.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., August 29, 1902.

In the matter of the application of James Shook for the enrollment of himself, his wife Sarah E. Shook, and his three children, John B., Amos and Lillie M. Shook, as citizens by blood of the Cherokee Nation.

GEORGE GUNTER, being duly sworn and examined by the Commission testified as follows:

- Q What is your name? A George Gunter.  
Q What is your age? A Fifty-two years old.  
Q What is your postoffice address? A Redland, I. T.  
Q Have you been enrolled by this Commission as a citizen by blood of the Cherokee Nation? A Yes sir.  
Q Do you know James Shook? A Yes sir, I did know him.  
Q Is he living now? A I don't know. The last time I saw him he was before the Commission here at Muldrow, and at that time he was in a pretty bad fix with the dropsy, and I have'nt saw him since.  
Q How long has it been since you first knew him?  
A When I was a boy he was out on Red River, he lived right close to my father out there, and he was recognized as a Cherokee.  
Q How long has it been since you have known whether he is living or dead? A Why I don't know. It was--- I guess it must have been about 1879 or 1880.  
Q Has it been that long since you have known him?  
A Never knowed him before that. The last time I saw him was when he was before the court here.  
Q From 1879 to 1900 when he was before the Commission, did you know him between these dates? A In 1862 to about 1879 or 1880.  
Q And then from 1879, you have'nt known him since that time?  
A I did'nt know where he was at.  
Q You don't know whether he has been a recognized citizen since 1880, or where he has lived? I understand you to say that you have not known anything about James Shook since 1879, is that correct?  
A Yes sir, I did'nt know where he was at.

EXAMINED BY J. C. STARR:

- Q Where did you see him in 1879?  
A He was living close to Mayfield's farm. He lived in that bottom. A man named Dave Ross killed a fellow close to Fort Smith and Shook was a witness against him, and he left the country and that was the last time that I seen him until he was before the Commission.  
Q You are sure that was in 1879? A I aint certain. Dave Ross was tried there at Van Buren before Judge Parker.  
Q Mr. Shook testified in his own testimony that he lived in Yell County, Arkansas, from 1870 to 1890. Have you seen him here since 1870? A He was living there on that place about the time Dave Ross killed John Rittle.  
Q When was it you saw him on Red River?  
A It was in 1863 or 1864.  
Q Red River is not in the Cherokee Nation is it?  
A No sir, it is in the Choctaw Nation.

BY THE COMMISSION:

Q Do you know whether James Shook was or was not living in the Cherokee Nation on the 28th day of June, 1898?

A No sir, I do not.

Q You don't know whether he has ever been recognized as a citizen of the Cherokee Nation since 1879, do you? A No sir.

-----  
BUFORD L. SUMMERHILL, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Buford Summerhill.

Q How old are you? A Fifty.

Q What is your postoffice address? A Uniontown, Arkansas.

Q Have you been enrolled by this Commission as a citizen of the Cherokee Nation? A No sir.

Q You are a citizen of the State of Arkansas?

A No sir, I was an adopted citizen of this country. I live in the Cherokee Nation.

Q You are not a citizen of the Cherokee Nation then?

A No sir, not now.

Q Do you know James Shook? A Yes sir.

Q About how old is he?

A He claimed that he was fifty-four years old.

Q What is his wife's name? A Bettie. They called her Sarah E.

Q What are the names of his children?

A John B. Shook, Amos Shook and Nellie Shook.

Q How long have you known James Shook? A I have known him about nine or ten years.

Q Where was he living when you first knew him?

A He was living in the Cherokee Nation on a place, I believe they called it George Johnson's place on Lee's Creek, and I moved him from that place to my place. He rented land from me.

Q Is your place in the Cherokee Nation? A Yes sir.

Q Where has James Shook and his family been living ever since you have known them? A In the Cherokee Nation.

Q Have they ever lived in Arkansas since you have known them?

A No sir, not since I have known them.

Q How long has it been since you have ceased to be a citizen of the Nation? A I don't exactly know; it's been nearly a year since I got -- I believe it was along -- I don't know the exact date when I got my return from the Secretary of the Interior. Don't know whether it was last fall or last spring, but it has been six or eight months. I don't know the exact date.

Q When you first made application for your own enrollment you were placed on a memorandum were you? A Yes sir.

Q You were not on any of the tribal rolls were you?

A At that time? Yes, I was on the 1880 roll, and I reckon, on the 1898 roll. I am on the 1880 roll I know.

EXAMINED BY J. C. STARR:

Q Have you married out? A Yes sir, that's what they claim.

BY THE COMMISSION:

Q How long has it been since you married out?

A It's been about eight or nine years ago; I don't know exactly.

Q You married out and forfeited your rights about the time you first knew James Shook didn't you?

A No, I married out after I knew James Shook; it's about eight years I guess I have been married, I don't know the exact date, but I knowed him about a year or two years before I was married.

Q Do you know whether James Shook or any member of his family have been recognized as citizens of the Cherokee Nation? A Yes sir.

Q In what way have they been recognized?

A Well, at the time of the strip payment, taking census, I was with him up to where they was taking the census, and Dave Ross he was census taker

Q Did he draw money? A Yes sir, he drawed money; and drawed Old Settler money.

Q Was he allowed to vote? A Yes sir, I never seen him vote. He went to the election and he told me that he voted.

Q Did he ever hold any office in the Cherokee Nation?

A No sir, he didn't have no education, could barely read and write.

Q Then, you state you have known him for ten years, and during all that time he has lived in the Cherokee Nation, and has voted and drawn money as a citizen of the Cherokee Nation?

A Yes sir, he told me he had voted, I never seen him vote, and others said he voted.

BY J. C. STARR:

Q You don't know of your own knowledge that he voted? A No sir.

Q Just from what people told you? A Yes sir.

-----  
WILLIAM THORNTON, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A William Thornton.

Q What is your age? A About 43.

Q What is your postoffice address? A Remy.

Q Have you been enrolled by this Commission as a citizen of the Cherokee Nation? A Yes sir.

Q Do you know James Shook? A I know him; yes sir, I know him.

Q About how old is he? A Old man Shook, I can't tell you.

Q What is his wife's name? A Her name; she goes by Bettie Shook so far as I know.

Q Has he got some sons? A Yes sir, these two boys here.

Q What are their names? A Johnnie Shook and Dick; and he has got a little girl at home; her name is Lilla Shook.

Q How long have you known James Shook?

A I didn't know him no great while. You see he lived down in the river bottom and I have lived away up here toward Sallisaw, and I never seen him until after he had been here two or three years.

Q How many years have you known him? A Ten or twelve I guess, or maybe longer.

Q Where was he living when you first knew him? A Gabe Penn's.

Q Is that in the Cherokee Nation? A Yes sir.

Q You never knew him prior to that time? A No sir, never knew him til he come here.

Q You speak of his coming here; do you know where he came from when he came here? A I suppose he come from the State.

Q You don't know of your own personal knowledge where he came from?

A No sir.

Q Did you ever hear him say where he came from?

A Yes sir, he told me he come from the State.

Q Has he been living in the Cherokee Nation continuously since you have known him? A Yes sir.

Q Have the members of his family, whose names you have called, lived with him continuously in the Cherokee Nation? A Yes sir.

Q Are they all living with him now? A Yes sir.

Q Is James Shook living now? A No sir. The old man himself, James Shook, is dead.

Q Was he recognized as a citizen of the Cherokee Nation from the time you knew him up until his death? A Yes sir, they recognized him. He drew strip money, and Old Settler money, and also he voted at the precinct at Lee's Creek.

Q Do you know of your own personal knowledge that he voted?

A I was right there when he voted, that is, he went up to the place and voted, and come out and said he voted.

Q His family are all living in the Cherokee Nation now?

A Yes sir, living right here on Lee's Creek.

EXAMINED BY J. C. STARR:

Q Did you see him before the strip payment? A Yes sir.

Q How long before? A About --- well I declare I don't remember how long before.

Q How long had he been here before you saw him?

A He had been down there in the bottom I suppose about two or three years maybe, before I seen him. I don't remember just how long.

Q If he testified before the Commission that he came here in 1890, it must have been about 1892 when you saw him?

A I don't know anything about it.

Q Was it very long before the strip payment?

A Well, I can't say just how long, because I don't recollect.

Q Do you think it was a short time before the strip payment?

A I seen him before the strip payment.

-----  
JOHN B. SHOOK, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A John B. Shook.

Q How old are you? A I am 19 years old.

Q You are a son of James Shook? A Yes sir.

Q Where were you born? A In Arkansas.

Q How long did you live in Arkansas after you were born?

A About six years.

Q Where did you go to when you left Arkansas?

A Come to the Cherokee Nation.

Q Have you been living here ever since? A Yes sir.

Q You lived in the State of Arkansas continuously for six years after you were born? A Yes sir.

Q Were you living with your parents then? A Yes sir.

Q Were they keeping house in Arkansas? A Yes sir.

EXAMINED BY J. C. STARR:

Q What town did you live in in Arkansas, what was your postoffice address? A Dardanelle.

Q In Yell County? A Yes sir.

Q What year were you born in? A I can't tell you, this is the first time I was ever in such as this, and I had it to do this time. I aint able to count mach.

-----  
WILLIAM T. SHOOK, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A William T. Shook.

Q What is your age? A Twenty-four.

Q What is your postoffice address? A Uniontown, Arkansas.

Q Are you a son of James Shook? A Yes sir.

Q Brother of John B. Shook? A Yes sir.

Q Where were you born? A In Arkansas.



- Q What year were you born in? A I don't know.  
Q If you are twenty-four, you would have been born in 1878, is that right? A I guess it is.  
Q How long did you live in the State of Arkansas?  
A About eight years I guess.  
Q Where did you go when you left that State?  
A I come to the Nation.  
Q What year did you come to the Nation? A It was about 1890 I believe, I come in 1890.  
Q Were you living with your parents in the State of Arkansas?  
A Yes sir.  
Q Were they keeping house there? A Yes sir.  
Q Were you ever in the Cherokee Nation before you moved over here to live? A Never was.  
Q You parents never had a home over here that you know of until they moved over here in 1890?  
A Nothing only what they told me.  
Q Not since you had been born, anyway? A No sir, just what I had been told is all I know about it.  
Q Have you lived in the Cherokee Nation continuously since 1890?  
A Yes sir.  
Q Have your father and the other members of the family lived here continuously since 1890? A Yes sir.  
Q Do you know whether your father ever voted in the State of Arkansas?  
A I don't recollect.  
Q Did you ever hear him say? A No sir, I never did.

EXAMINED BY J. C. STARR:

- Q What town in Arkansas did you live in? A Dardanelle.

BY THE COMMISSION:

- Q Is there any other statement you wish to make?  
A No sir, not that I know of. I know he voted in the Indian Territory, and so did I. Me and him both voted.

BY J. C. STARR:

- Q This voting you are talking about was since 1890, was it not?  
A Yes sir.

BY THE COMMISSION:

- Q Did you or your father ever apply to the Dawes Commission in 1896, or to the Cherokee Nation, to be re-admitted to citizenship after you removed to the Cherokee Nation in 1890?  
A Why I don't remember whether he did or not. I don't recollect whether he did or not.  
Q You don't remember whether he applied to this Commission in 1896 do you? A No sir, I don't. I have got a letter in 1894 that the Commission wrote him. I guess it is.  
Q That the Dawes Commission wrote him? A I guess it is.  
(Witness produces letter)  
Q Did you or your father ever employ a lawyer to make application for citizenship in the Cherokee Nation? A No sir.  
Q Never made out any papers? A No sir.  
Q Did your father ever go to Tahlequah about his citizenship?  
A Yes sir, he went; now whether he went on this business or not I don't know. He was up there two or three different times. I don't know what he went up there for.  
Q Is there any other statement you wish to make in connection with your application?

A No sir, I don't know as there is.

THE COMMISSION: This testimony will be filed with and as supplemental to the record heretofore taken in the applications of James Shook, et al., Cherokee D-113, and William T. Shook, Cherokee D-114.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this September 5, 1902.

(Seal)

B. C. Jones,  
Notary Public.

I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the testimony and proceedings in the above stated case, and that the same is a true and correct copy from the original.

*Mattie E. DeWitt*

Sworn to and subscribed before me  
this 8th day of September, 1902.

*B. C. Jones*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
FT. SMITH, ARK., FEBRUARY 14, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SARAH E. SHOOK ET AL., as citizens by blood of the Cherokee Nation.

APPARANCES:

Principal applicant in person.  
For Cherokee Nation, L. P. Bell on behalf of W. W. Hastings.

SARAH SHOOK, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A Sarah Shook.
- Q Is your full name Sarah E. Shook? A Yes sir.
- Q How old are you? A About 49.
- Q What is your post office? A Uniontown, Arkansas.
- Q Are you the widow of James Shook, who was an applicant for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.
- Q He is dead now? A Yes sir.
- Q You have four children who are applicants for enrollment? A Yes sir.
- Q Give their names? A William Tucker, John the Baptist, and Lillie May, and Amos.
- Q Are they all living at this time? A Yes sir, they are all living.
- Q Your husband left the Cherokee Nation several years prior to the time the 180 roll was made, do you know the date that he left the Cherokee Nation? A No sir, I don't.
- Q Were you and he married when he left the Cherokee Nation? A No sir.
- Q Do you know when he returned to the Cherokee Nation? A I don't know exactly, it has been about 15 years ago, I don't know.
- Q Were you and he married in Arkansas? A Yes sir.
- Q At what place? A Dardenelle.
- Q In what County is that? A Yell County.
- Q Do you know in what year you were married? A No sir, I don't.
- Q How long were you married before your oldest child was born? A A little over a year.
- Q What is the name of your oldest child? A William Tucker.
- Q Was he born in Arkansas? A Yes sir.
- Q Were all of your children born in Arkansas? A Yes sir.
- Q Do you know whether your husband ever voted in Arkansas? A He never did.
- Q Did he own his home there? A No sir, he never owned anything at all there, he never owned anything at all there, he never claimed that as his home, he was always going backwards and forwards to the Nation to see about his little home here.
- Q Did he have a homestead in Arkansas? A No sir.
- Q Now he lived there, according to his testimony about 20 years, did he ever exercise the right of citizenship of Arkansas? A No sir.
- Q Now when he returned to the Cherokee Nation about 15 years ago, as you state, where did he settle, where did he locate? A Well he stopped here on the side of Fort Smith and stayed there a little while and then went on up into the Nation.

- Q The other side of Fort Smith, was that in or out of the Cherokee Nation? A It was in the Cherokee nation.
- Q How long did he stay there as you mentioned out of Fort Smith? A He just stayed there about 3 or 4 months I reckon.
- Q Then what did he do? A He went up into the Nation close to Uniontown.
- Q When he moved up close to Uniontown did he live in the Cherokee Nation or over in Arkansas? A He lived in the Cherokee Nation.
- Q Now after he located in the Cherokee Nation did he vote and exercise the rights of suffrage in the Cherokee Nation? A Yes sir, he did.
- Q Was he recognized as a citizen of the Cherokee Nation? A Yes sir.
- Q Did he own a place on the public domain of the Cherokee Nation? A Yes sir.
- Q When he left the Cherokee Nation in 1870, as he testified, did he leave any property in the Cherokee Nation? A Yes sir, he left some hogs and cattle.
- Q In whose custody did he leave them? A I don't know who he left them with.
- Q Do you know whereabouts he left them? A No sir, somewhere in Flint.
- Q Flint District? A Yes sir.
- Q When he returned to the Cherokee Nation did he find any of them? A No sir, he never found any of them.
- Q When he returned to the Cherokee Nation did he settle in or near the place in the Cherokee Nation that he had gone away from? A Yes, it was tohable close to the place, about four miles I reckon.
- Q What sort of place did he take up in the Cherokee Nation, did he improve a place or did he buy one? A He bought a place.
- Q Then did he live on it? A Yes sir, until he died.
- Q How much was there in that place that he controlled, about how much? A In the field?
- Q Yes? A About 30 acres I reckon.
- Q Did he farm the place? A Yes sir, he done a heap of work on the place.
- Q Do you know whether he ever applied to the Dawes Commission for admission to citizenship in the Cherokee Nation? A I think he did.
- Q In order that you will understand it I will explain to you that the Dawes Commission in 1896 was clothed with authority to admit persons to citizenship, that is persons whose names were not on the Tribal rolls and who were not recognized at that time as citizens, did he apply for admission, not for enrollment, at that time? A I don't know for certain but I think he did though.
- Q Do you know what was done with his application? A No sir.
- Q While he lived in Arkansas, did he own any property at all? A No sir, he never owned anything at all.
- Q Was his citizenship ever questioned after he returned to the Cherokee Nation? A I can't tell you that.
- Q When your husband located across from Fort Smith, the way you put it, did he own a place there? A No sir.
- Q You stated just now informally that he took you down and showed you a place which he owned? A Yes sir.
- Q Where was that place? A It was that place 4 miles from Uniontown, or 6 it might be.
- Q Was that the place you live on now? A No sir, we live about 3 miles from Uniontown, the place he bought.
- Q Did he ever live on that place he had? A No sir.
- Q While he was living in Arkansas did he ever make trips to the Cherokee Nation? A Yes sir, he made lots of trips backward and forward.

- Q What for? A To see if he thought it would be safe for him to come back, his life was threatened so he had to leave to keep from being killed, and he come back to see when he could come back, when it would be safe for him to come back. That is what he left for, it was on account of his life.
- Q Do you know whether he regarded the Cherokee Nation as his home?
- A Yes sir, he did.
- Q Was it on account of some sort of trouble that he left the Cherokee Nation? A Yes sir, he was a witness and there was some more parties threatened to kill him for being a witness, threatened his life, the Dave Ross party and I think it was Little that got killed, that he was a witness against.
- Q Do you know whether he returned to the Cherokee Nation when he thought it would be safe for him to do so? A Yes sir.
- Q Did he pay taxes in Arkansas? A No sir, never did.

BY MR. BELL:

- Q Were you acquainted with Chock before he left the Cherokee Nation?
- A No sir.
- Q Yes, from the time you met him in Arkansas after 1870? A Yes sir.
- Q Nothing about his antecedents before at all? A No sir.
- Q Who was it you said was killed up there that he was a witness in?
- A Little I think was the man's name.
- Q You say he never paid any taxes in Arkansas? A No sir.
- Q Never voted? A No sir.
- Q Never held an office? A No sir.
- Q Didn't own any property? A No sir.
- Q What did he do for a living? A Worked by days work for a living.
- Q Just worked about? A Yes sir.
- Q How old is your oldest child? A 30, no 28 I reckon, I forget how old he is.
- Q Are you of Cherokee blood yourself? A No sir.
- Q You are a United States citizen? A Yes sir.

BY BENJAMIN OF THE COMMISSIONER:

- Q When did your children return to the Cherokee Nation with reference to the date of your return? A Yes sir, at the same time, we all came together when we come.
- Q Have your children lived in the Cherokee Nation continuously since they returned to the Cherokee Nation? A Yes sir, all but about a year.
- Q When was that? A That was when they went to---well it wasn't a year, about 4 or 5 months, when they worked at the coal mines, but they come back.
- Q Just a way a short time? A Yes sir.
- Q Did your children, or any of them ever take up citizenship anywhere outside of the Cherokee Nation? A No sir, they were all small when they came back to the Cherokee Nation.
- Q Have they voted in the Cherokee Nation since then? A Yes sir.
- Q Been recognized as citizens? A Yes sir.

BY MR. BELL:

- Q Have you lived at the same place all the time after you moved back? A Yes sir, all the time but about 3 or 4 months while we were at the coal mines.
- Q How long has your husband been dead? A Been dead going on 7 years.
- Q Who are your neighbors up there? A Well there is several living around there, Mot's Hyatt, and Snows, and Dutys and Turman.
- Q How far do you live from the Arkansas line? A Well it is about a mile I reckon.
- Q In the Cherokee Nation? A Yes sir.
- Q Do you know Nancy Seabolt? A Yes sir.
- Q How far do you live from her? A I don't know exactly how far.
- Q 4 or 5 miles, or 2 or 3? A 4 or 5 miles I reckon.

JAMES M. KEYS, first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A James M. Keys.
- Q Your age? A 63 years.
- Q What is your post office? A Pryor Creek, I. T.
- Q You are a Cherokee by blood? A Yes sir.
- Q Do you know the witness Sarah E. Shook? A No sir.
- Q Did you know her husband James Shook during his life time? A Yes sir, I met James Shook during his life time.
- Q Have you held several positions in the Cherokee nation? A Yes sir.
- Q Were you in 1852 one of the census takers who compiled the roll of 1851? A No sir, at a later date I was appointed, my recollection is it was while Cleveland was President, I was appointed one of the Old Settler Census takers.
- Q Was that for the purpose of making a roll containing the names of the persons who were the so called "Old Settlers" of the Cherokee nation, and who were entitled to certain privileges as original beneficiaries? A Yes sir.
- Q Do you know whether James Shook's name was placed upon the roll of 1851? A Yes sir, James Shook, the name of James Shook appeared upon the 1851 old settler roll.
- Q Do you know that of your own knowledge? A Yes sir, he appeared in person and claimed the share as an original beneficiary.
- Q Did he appear before you? A Yes sir.
- Q Did you place his name on that roll? A Yes sir.
- Q Were the names of only Cherokees by blood placed upon that roll? A Yes, they may have been a few names placed there but it was intended that only old settlers Cherokee names appear there, but there were some names that were not Cherokees.
- Q It was the intention to only place the names of citizens of the Cherokee nation upon that roll? A Yes sir.
- Q Was James Shook at that time recognized as a citizen of the present Cherokee nation? A I don't know sir, but he established fully that he was the James Shook on the 1851 roll and he drew his old settler money under that name.
- Q You recognized him as being a citizen of the Cherokee nation? A Yes sir.
- Q Do you know whether his name was placed upon that roll as being a Cherokee by blood? A Well I don't know as to that but he was an old settler and that is my impression he was an old settler Cherokee by blood. We didn't question it after we found his name upon the roll.
- Q Was the roll of 1851 supposed to have contained the names of only persons who were of Cherokee blood? A Yes sir.
- Q Was that roll supposed to have contained the name of the persons and who migrated to the Cherokee nation, and their descendants prior to 1834? A Yes sir.
- Q Was it supposed to have determined persons who were Cherokee citizens at that time or was it supposed to have contained the names of those original beneficiaries and their descendants? A No, to the first proposition. It didn't necessarily establish citizenship at the present time, at that time, in the Cherokee nation

- 8--
- Q Then in making that roll you only endeavored then as I understand it, to determine who the old settlers were and their descendants, and to make the payment to them? A Yes sir, that is the idea exactly.
- Q A person might not have at that time been a citizen of the Cherokee Nation and still have drawn that money? A Yes sir.

W I T N E S S E X C U S E D .

-----oOo-----

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lessley*

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

*B. P. Rasmus*

Notary Public.

COMMISSIONER OF THE GENERAL LAND OFFICE

FILED  
FEB 16 1906

*[Handwritten Signature]*  
1906



*JH*

Cherokee D 113-114.

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

In the matter of the application for the enrollment  
of James Shook, et al., as citizens of the Cherokee Nation.

O R D E R.

It is found that upon examination of the 1893 census roll of citizens by blood of the Cherokee Nation residing in Sequoyah district, made under authority of an Act of the Cherokee National Council, approved April 15, 1903, that the applicants in this case are identified thereon as follows:

No.		Age.	Male.	Female.	Remarks.
190	James Shook	58	M		Sarah E. Shook"
	William T. Shook	15	M		
	John B. Shook	10	M		
	Amous Shook	7	M		
	Lillie M. Shook	5		F	

It is ordered that this statement be filed with and made a part of the record in the matter of the application for the enrollment of James Shook, et al., Cherokee case No. D-113, and William T. Shook, Cherokee case No. D-114.

*W. O. Bean*  
Acting Commissioner.

Muskogee, Indian Territory,

this MAR - 9 1906

C7B

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

In the matter of the application for the enrollment of James Shook et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

James Shook, et al.,  
William T. Shook,

Cherokee D 113  
Cherokee D 114.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as citizens of the Cherokee Nation were made to the Commission to the Five Civilized Tribes by James Shook for himself, his wife Sarah E. Shook, and their minor children, John B., Amos, and Lillie M. Shook, and by William T. Shook for himself. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, February 18 and August 29, 1902, and at Fort Smith, Arkansas, February 14, 1906. The application for the enrollment of the said Susan E. Shook is differently classified, and her rights to enrollment as a citizen of the Cherokee Nation will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, James Shook, was a Cherokee by blood, and in the year 1870 was a bona fide citizen of the Cherokee Nation; that in 1870 he left the Cherokee Nation, and was absent therefrom for about twenty years, during which time he lived in the state of Arkansas, where he married, and where the applicants, John B., Amos, Lillie M., and William T. Shook, children of the said James and Sarah E. Shook, were born. It is further shown that during his absence from the Cherokee Nation the said James Shook made frequent visits thereto; that he always considered the Cherokee Nation his home, never owned any property in the State of Arkansas, and never exercised any of the political rights of a citizen of said State, and that his absence from the Cherokee Nation was a matter of expediency rather than choice.

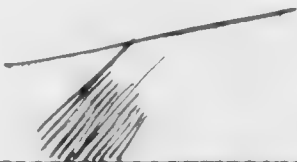
The evidence further shows that in the year 1890 the said James Shook, with his family, including all the other applicants herein, returned to the Cherokee Nation, where they have since continuously resided. Said applicants are identified on the Cherokee census roll of 1893, the Cherokee Strip payment roll of 1894, and the Cherokee census roll of 1896.

The evidence further shows that James Shook died prior to September 1, 1902.

Section Twenty-five of the Act of Congress approved July 1, 1902, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), John B. Shook, Amos Shook, Lillie M. Shook, and William T. Shook are entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly granted; and it is further ordered that, under the provisions of the Act of Congress, above noted, the application for the enrollment of James Shook as a citizen by blood of the Cherokee Nation be, and the same is, hereby dismissed.

  
\_\_\_\_\_  
Commissioner

Dated at Muskogee, Indian Territory,  
this APR 19 1906

DEPARTMENT OF THE INTERIOR.  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 CHEROKEE LAND OFFICE.  
 August 25, 1906.

Cherokee allotment 32820.

In the matter of the application of Lillie M. Moss, enrolled as Lillie M. Shook, to select her allotment and designate her homestead in the Cherokee Nation.

Lillie M. Moss, being first duly sworn by B.P. Rasmus a notary public, was examined on behalf of the Commissioner and testified as follows:

- Q What is your name?  
 A Lillie M. Moss.  
 Q What is your age?  
 A 18 the 10th of May.  
 Q What is your postoffice address?  
 A Uniontown, Arkansas.  
 Q Are you a citizen of the Cherokee Nation by blood?  
 A Yes, sir.  
 Q Were you ever enrolled as Lillie M. Shook?  
 A Yes, sir.  
 Q When did you marry?  
 A 27th. day of July.  
 Q Who did you marry?  
 A John Moss.  
 Q Is he a citizen of the Cherokee Nation?  
 A No, sir.  
 Q Are you and him living together at the present time?  
 A Yes, sir.  
 Q Your purpose in appearing at the Cherokee Land Office is to select your allotment and designate your homestead in the Cherokee Nation, is it?  
 A Yes, sir.  
 Q Have you land which you desire to select your allotment from?  
 A Yes, sir.  
 Q Are there any improvements upon this land?  
 A Yes, sir.

Witness Excused.

I, George A. Lowell, being duly sworn, state that as stenographer to the Commissioner to the Five Civilized Tribes I recorded the testimony in the above entitled proceeding and that the foregoing is a true and correct transcript of my stenographic notes thereof.

*George A. Lowell*

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

*B.P. Rasmus*  
 Notary Public.

Cherokee D-113,

et al.

CONF  
Muskogee, Indian Territory, April 19, 1906.

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, dismissing the application for the enrollment of James Shook, and granting the application for the enrollment of John B., Amos, Lillie M. and William T. Shook, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Incl. S-92

SIGNED:

*Tom Keell*  
Acting Commissioner.

Cherokee D-113.

COPY.

Muskogee, Indian Territory, May 15, 1906.

Sarah E. Shook,  
Uniontown, Arkansas.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, dismissing the application for the enrollment of James Shook, and granting, among others, the application for the enrollment of John B., Amos and Lillie M. Shook, as citizens by blood of the Cherokee Nation.

You are advised that you will not be permitted to make allotment selections for the above named persons until their names have 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,

Incl. 8-8  
LS

RECORDED.

*Wm O. Beall*  
Acting Commissioner.

Cher 10971

William T. Shook

Trans. from D114

Cher 10971

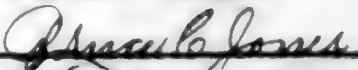
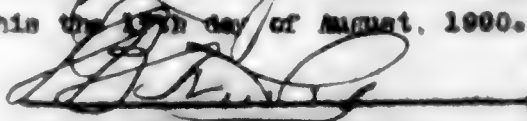
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muldrow, I.T., August 13, 1900.

In the matter of the application of William T. Shook for the enrollment of himself only as a Cherokee by blood; being sworn and examined by Commissioner Muldrow, the testimony is as follows:

- Q What is your name? A William T. Shook.
- Q How old are you? A 25.
- Q What is your post office address? A Uniontown, Ark.
- Q Are you a Cherokee citizen? A Yes, sir.
- Q By blood? A Yes, sir.
- Q Does your name appear upon the rolls? A Well, it doesn't on the 1880 roll, it is on the rest of them.
- Q For whom do you apply? A Just myself.
- Q What is the name of your father? A James Shook.
- Q Is she living? A Yes, sir.
- Q What is the name of your mother? A Elizabeth Shook.
- Q Is she living? A Yes, sir.
- Q Is she a citizen of the Cherokee Nation? A Yes, sir.
- Q Is your father? A Yes, sir.
- Q Does your name appear on the roll of 1880? A No, sir.
- Q Is your name on the roll of 1896? A Yes, sir.
- Q On the rolls of 1894? A Yes, sir.
- (On 1880 roll, page 1103, No. 1449, William F. Shook, Sequoyah district; on 1894 roll, page 994, No. 1277, William T. Shook, Sequoyah district.)
- Q What district do you live in? A Sequoyah.
- Q How long have you lived in Sequoyah district? A About 13 years.
- Q Continuously? A Yes, sir.
- Q Where were you born? A Arkansas.
- Q And you have lived in Arkansas until 13 years ago? A Yes, sir.
- Q Was your father's or mother's name either upon the roll of 1880? A No, sir.
- Q Did you ever apply to the Commission to the Five Civilized Tribes, now as the Dawes Commission, for admission to citizenship? A No, sir.
- Q Did you ever apply to the Cherokee Nation for re-admittance? A No, sir.

The name of William T. Shook appears upon the census roll of 1896 and the pay roll of 1894. An examination of the roll of 1880 does not show his name, neither if the name of his father or mother found upon said roll; he was born in Arkansas and lived there until 1891. Final judgment as to the enrollment of William T. Shook is suspended and his name will be placed upon a doubtful card. After the Commission decides as to his right to enrollment, he will be notified by mail.

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

  
\_\_\_\_\_  


Sworn to and subscribed before me this 13th day of August, 1900.

Commissioner.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
AUG 17 1900

A handwritten signature in dark ink, appearing to be 'J. B. ...', written over the typed name.

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

AUG 13 1900

A handwritten signature in dark ink, appearing to be "J. H. ...", written over the typed name.

ACTING CHAIRMAN

### CHEROKEES BY BLOOD AND ADOPTION.

<sup>23</sup> Name *William F. Shook* Date *AUG 13 1900* 1900.  
*Uniontown, Pa*

District *Seaway* Year *1896* Page *1103* No. *1449*

Citizen by blood *yes* Mother's citizenship

Intermarried citizen

*parents* { *James Shook*  
*Elizabeth "*

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

*Mary Ann*  
*William F.*  
*Elizabeth*

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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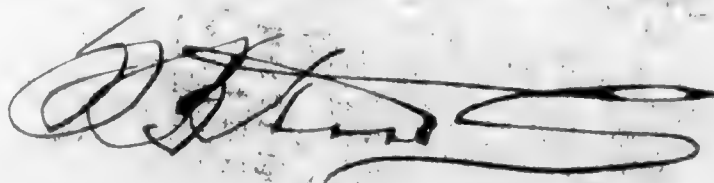
*in 1896 with as William F. Shook*

D. 114.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., February 18, 1902.

In the matter of the application of William T. Shook for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered mail February 4, 1902, that his case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said date appear before the Commission and introduce any additional testimony affecting his case. He has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

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File with Cherokee D-114.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., August 29, 1902.

In the matter of the application of James Shook for the enrollment of himself, his wife Sarah E. Shook, and his three children, John B., Amos and Willie M. Shook, as citizens by blood of the Cherokee Nation.

GEORGE GUNTER, being duly sworn and examined by the Commission testified as follows:

- Q What is your name? A George Gunter.  
Q What is your age? A Fifty-two years old.  
Q What is your postoffice address? A Redland, I. T.  
Q Have you been enrolled by this Commission as a citizen by blood of the Cherokee Nation? A Yes sir.  
Q Do you know James Shook? A Yes sir, I did know him.  
Q Is he living now? A I don't know. The last time I saw him he was before the Commission here at Muldrow, and at that time he was in a pretty bad fix with the dropsy, and I have'nt saw him since.  
Q How long has it been since you first knew him?  
A When I was a boy he was out on Red River, he lived right close to my father out there, and he was recognized as a Cherokee.  
Q How long has it been since you have known whether he is living or dead? A Why I don't know. It was— I guess it must have been about 1879 or 1880.  
Q Has it been that long since you have known him?  
A Never knowed him before that. The last time I saw him was when he was before the court here.  
Q From 1879 to 1900 when he was before the Commission, did you know him between these dates? A In 1862 to about 1879 or 1880.  
Q And then from 1879, you have'nt known him since that time?  
A I did'nt know where he was at.  
Q You don't know whether he has been a recognized citizen since 1880, or where he has lived? I understand you to say that you have not known anything about James Shook since 1879, is that correct?  
A Yes sir, I did'nt know where he was at.

EXAMINED BY J. C. STARR:

- Q Where did you see him in 1879?  
A He was living close to Mayfield's farm. He lived in that bottom. A man named Dave Ross killed a fellow close to Fort Smith and Shook was a witness against him, and he left the country and that was the last time that I seen him until he was before the Commission.  
Q You are sure that was in 1879? A I aint certain, Dave Ross was tried there at Van Buren before Judge Parker.  
Q Mr. Shook testified in his own testimony that he lived in Yell County, Arkansas, from 1870 to 1890. Have you seen him here since 1870? A He was living there on that place about the time Dave Ross killed John Riddle.  
Q When was it you saw him on Red River?  
A It was in 1863 or 1864.  
Q Red River is not in the Cherokee Nation is it?  
A No sir, it is in the Choctaw Nation.

BY THE COMMISSION:

Q Do you know whether James Shook was or was not living in the Cherokee Nation on the 28th day of June, 1898?

A No sir, I do not.

Q You don't know whether he has ever been recognized as a citizen of the Cherokee Nation since 1878, do you? A No sir.

EDWARD L. SUMNERHILL, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Edward Sumnerhill.

Q How old are you? A Fifty.

Q What is your postoffice address? A Uniontown, Arkansas.

Q Have you been enrolled by this Commission as a citizen of the Cherokee Nation? A No sir.

Q You are a citizen of the State of Arkansas?

A No sir, I was an adopted citizen of this country. I live in the Cherokee Nation.

Q You are not a citizen of the Cherokee Nation then?

A No sir, not now.

Q Do you know James Shook? A Yes sir.

Q About how old is he?

A He claimed that he was fifty-four years old.

Q What is his wife's name? A Bettie. They called her Sarah B.

Q What are the names of his children?

A John B. Shook, Amos Shook and Nellie Shook.

Q How long have you known James Shook? A I have known him about nine or ten years.

Q Where was he living when you first knew him?

A He was living in the Cherokee Nation on a place, I believe they called it George Johnson's place on Lee's Creek, and I moved him from that place to my place. He rented land from me.

Q Is your place in the Cherokee Nation? A Yes sir.

Q How long has James Shook and his family been living over since you have known them? A In the Cherokee Nation.

Q Have they ever lived in Arkansas since you have known them?

A No sir, not since I have known them.

Q How long has it been since you have ceased to be a citizen of the Nation? A I don't exactly know; it's been nearly a year since I got — I believe it was along — I don't know the exact date when I got my return from the Secretary of the Interior. Don't know whether it was last fall or last spring, but it has been six or eight months. I don't know the exact date.

Q When you first made application for your own enrollment, you were placed on a memorandum were you? A Yes sir.

Q You were not on any of the tribal rolls were you?

A At that time? Yes, I was on the 1880 roll, and I reckon, on the 1896 roll. I am on the 1880 roll I know.

EXAMINED BY J. C. STARR:

Q Have you married out? A Yes sir, that's what they claim.

BY THE COMMISSION:

Q How long has it been since you married out?

A It's been about eight or nine years ago; I don't know exactly.

Q You married out and forfeited your rights about the time you first knew James Shook didn't you?

A No, I married out after I knew James Shook; it's about eight years I guess I have been married, I don't know the exact date, but I knowed him about a year or two years before I was married.

Q Do you know whether James Shock or any member of his family have been recognized as citizens of the Cherokee Nation? A Yes sir.

Q In what way have they been recognized?

A Well, at the time of the strip payment, taking census, I was with him up to where they was taking the census, and Dave Ross he was census taker.

Q Did he draw money? A Yes sir, he drawed money; and drawed Old Settler money.

Q Was he allowed to vote? A Yes sir, I never seen him vote. He went to the election and he told me that he voted.

Q Did he ever hold any office in the Cherokee Nation?

A No sir, he didn't have no education, could barely read and write.

Q Then, you state you have known him for ten years, and during all that time he has lived in the Cherokee Nation, and has voted and drawn money as a citizen of the Cherokee Nation?

A Yes sir, he told me he had voted, I never seen him vote, and others said he voted.

BY J. C. STARR:

Q You don't know of your own knowledge that he voted? A No sir.

Q Just from what people told you? A Yes sir.

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WILLIAM THORNTON, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A William Thornton.

Q What is your age? A About 43.

Q What is your post-office address? A Berry.

Q Have you been enrolled by this Commission as a citizen of the Cherokee Nation? A Yes sir.

Q Do you know James Shock? A I know him; yes sir, I know him.

Q About how old is he? A Old man Shock, I can't tell you.

Q What is his wife's name? A Her name; she goes by Bettie Shock so far as I know.

Q Has he got some sons? A Yes sir, these two boys here.

Q What are their names? A Johnnie Shock and Dick; and he has got a little girl at home; her name is Lillie Shock.

Q How long have you known James Shock?

A I didn't know him no great while. You see he lived down in the river bottom and I have lived away up here toward Sallisaw, and I never seen him until after he had been here two or three years.

Q How many years have you known him? A Ten or twelve I guess, or maybe longer.

Q Where was he living when you first knew him? A Gabe Penn's.

Q Is that in the Cherokee Nation? A Yes sir.

Q You never knew him prior to that time? A No sir, never knew him til he come here.

Q You speak of his coming here; do you know where he come from when he came here? A I suppose he come from the State.

Q You don't know of your own personal knowledge where he came from? A No sir.

Q Did you ever hear him say where he come from?

A Yes sir, he told me he come from the State.

Q Has he been living in the Cherokee Nation continuously since you have known him? A Yes sir.

Q Have the members of his family, whose names you have called, lived with him continuously in the Cherokee Nation? A Yes sir.

Q Are they all living with him now? A Yes sir.

Q Is James Shock living now? A No sir. The old man himself, James Shock, is dead.



Q Was he recognized as a citizen of the Cherokee Nation from the time you knew him up until his death? A Yes sir, they recognized him. He drew strip money, and Old Settler money, and also he voted at the precinct at Lee's Creek.

Q Do you know of your own personal knowledge that he voted?

A I was right there when he voted, that is, he went up to the place and voted, and come out and said he voted.

Q His family are all living in the Cherokee Nation now?

A Yes sir, living right here on Lee's Creek.

EXAMINED BY J. C. STARR:

Q Did you see him before the strip payment? A Yes sir.

Q How long before? A About — well I declare I don't remember how long before.

Q How long had he been here before you saw him?

A He had been down there in the bottom I suppose about two or three years, aybe, before I seen him, I don't remember just how long.

Q If he testified before the Commission that he came here in 1890, it must have been about 1892 when you saw him?

A I don't know anything about it.

Q Was it very long before the strip payment?

A Well, I can't say just how long, because I don't recollect.

Q Do you think it was a short time before the strip payment?

A I seen him before the strip payment.

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JOHN B. SHOOK, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A John B. Shook.

Q How old are you? A I am 19 years old.

Q You are a son of James Shook? A Yes sir.

Q Where were you born? A In Arkansas.

Q How long did you live in Arkansas after you were born?

A About six years.

Q Where did you go to when you left Arkansas?

A Come to the Cherokee Nation.

Q Have you been living here ever since? A Yes sir.

Q You lived in the State of Arkansas continuously for six years after you were born? A Yes sir.

Q Were you living with your parents then? A Yes sir.

Q Were they keeping house in Arkansas? A Yes sir.

EXAMINED BY J. C. STARR:

Q What town did you live in in Arkansas, what was your postoffice address? A Dardanelle.

Q In Yell County? A Yes sir.

Q What year were you born in? A I can't tell you, this is the first time I was ever in such as this, and I had it to do this time. I aint able to count much.

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WILLIAM T. SHOOK, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A William T. Shook.

Q What is your age? A Twenty-four.

Q What is your postoffice address? A Uniontown, Arkansas.

Q Are you a son of James Shook? A Yes sir.

Q Brother of John B. Shook? A Yes sir.

Q Where were you born? A In Arkansas.

- Q What year were you born in? A I don't know.  
Q If you are twenty-four, you would have been born in 1878, is that right? A I guess it is.  
Q How long did you live in the State of Arkansas?  
A About eight years I guess.  
Q Where did you go when you left that State?  
A I come to the Nation.  
Q What year did you come to the Nation? A It was about 1890 I believe, I come in 1890.  
Q Were you living with your parents in the State of Arkansas?  
A Yes sir.  
Q Were they keeping house there? A Yes sir.  
Q Were you ever in the Cherokee Nation before you moved over here to live? A Never was.  
Q Your parents never had a home over here that you know of until they moved over here in 1890?  
A Nothing only what they told me.  
Q Not since you had been born, anyway? A No sir, just what I had been told is all I know about it.  
Q Have you lived in the Cherokee Nation continuously since 1890?  
A Yes sir.  
Q Have your father and the other members of the family lived here continuously since 1890? A Yes sir.  
Q Do you know whether your father ever voted in the State of Arkansas?  
A I don't recollect.  
Q Did you ever hear him say? A No sir, I never did.

EXAMINED BY J. C. STARR:

- Q What town in Arkansas did you live in? A Dardanelle.

BY THE COMMISSION:

- Q Is there any other statement you wish to make?  
A No sir, not that I know of. I know he voted in the Indian Territory, and so did I. Me and him both voted.

BY J. C. STARR:

- Q This voting you are talking about was since 1890, was it not?  
A Yes sir.

BY THE COMMISSION:

- Q Did you or your father ever apply to the Dawes Commission in 1894, or to the Cherokee Nation, to be re-admitted to citizenship after you removed to the Cherokee Nation in 1890?  
A Why I don't remember whether he did or not. I don't recollect whether he did or not.  
Q You don't remember whether he applied to this Commission in 1894 do you? A No sir, I don't. I have got a letter in 1894 that the Commission wrote him. I guess it is.  
Q That the Dawes Commission wrote him? A I guess it is.  
(Witness produces letter)  
Q Did you or your father ever employ a lawyer to make application for citizenship in the Cherokee Nation? A No sir.  
Q Never made out any papers? A No sir.  
Q Did your father ever go to Washington about his citizenship?  
A Yes sir, he went; now whether he went on this business or not I don't know. He was up there two or three different times. I don't know what he went up there for.  
Q Is there any other statement you wish to make in connection with your application?

A No sir, I don't know as there is.

THE COMMISSION: This testimony will be filed with and as supplemental to the record heretofore taken in the applications of James Shook, et al., Cherokee B-113, and William T. Shook, Cherokee D-114.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this September 5, 1902.

(Seal)

B. C. Jones,  
Notary Public.

I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the testimony and proceedings in the above stated case, and that the same is a true and correct copy from the original.

*Mattie E. DeWitt*

Sworn to and subscribed before me  
this 8th day of September, 1902.

*B. C. Jones*  
Notary Public.

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
FT. SMITH, ARK., FEBRUARY 14, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SARAH E. SHOOK ET AL., as citizens by blood of the Cherokee Nation.

APPEARANCES:

Principal applicant in person.  
For Cherokee nation, E. P. Bell on behalf of W. W. Hastings.

SARAH SHOOK, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Sarah Shook.
- Q Is your full name Sarah E. Shook? A Yes sir.
- Q How old are you? A About 49.
- Q What is your post office? A Uniontown, Arkansas.
- Q Are you the widow of James Shook, who was an applicant for enrollment as a citizen by blood of the Cherokee nation? A Yes sir.
- Q He is dead now? A Yes sir.
- Q You have four children who are applicants for enrollment? A Yes sir.
- Q Give their names? A William Tucker, John the Baptist, and Lillie May, and Ames.
- Q Are they all living at this time? A Yes sir, they are all living.
- Q Your husband left the Cherokee nation several years prior to the time the 1860 roll was made, do you know the date that he left the Cherokee nation? A No sir, I don't.
- Q Were you and he married when he left the Cherokee Nation? A No sir.
- Q Do you know when he returned to the Cherokee Nation? A I don't know exactly, it has been about 15 years though I reckon.
- Q Were you and he married in Arkansas? A Yes sir.
- Q At what place? A Bardenelle.
- Q In what County is that? A Yell County.
- Q Do you know in what year you were married? A No sir, I don't.
- Q How long were you married before your oldest child was born? A A little over a year.
- Q What is the name of your oldest child? A William Tucker.
- Q Was he born in Arkansas? A Yes sir.
- Q Were all of your children born in Arkansas? A Yes sir.
- Q Do you know whether your husband ever voted in Arkansas? A No never did.
- Q Did he own his home there? A No sir, he never owned anything at all there, he never owned anything at all there, he never claimed that as his home, he was always going backwards and forwards to the nation to see about his little home here.
- QQ Did he have a homestead in Arkansas? A No sir.
- Q How he lived there, according to his testimony about 20 years, did he ever exercise the right of citizenship of Arkansas? A No sir.
- Q How when he returned to the Cherokee nation about 15 years ago, as you state, where did he settle, where did he locate? A Well he stopped here yond side of Fort Smith and stayed there a little while and then went on up into the Nation.

- Q The other side of Fort Smith was that in or out of the Cherokee Nation? A It was in the Cherokee nation.
- Q How long did he live there just as you mentioned out of Fort Smith? A He just stayed there about 3 or 4 months I reckon.
- Q Then where did he go? A He went up into the Nation close to Uniontown.
- Q When he moved up close to Uniontown did he live in the Cherokee Nation or over in Arkansas? A He lived in the Cherokee Nation.
- Q Now after he located in the Cherokee nation did he vote and exercise the rights of suffrage in the Cherokee Nation? A Yes sir, he did.
- Q Was he recognized as a citizen of the Cherokee nation? A Yes sir.
- Q Did he own a place on the public domain of the Cherokee nation? A Yes sir.
- Q When he left the Cherokee Nation in 1870, as he testified, did he leave any property in the Cherokee nation? A Yes sir, he left some hogs and cattle.
- Q In whose custody did he leave them? A I don't know who he left them with.
- Q Do you know whereabouts he left them? A No sir, somewhere in Flint.
- Q Flint district? A Yes sir.
- Q When he returned to the Cherokee nation did he find any of them? A No sir, he never found any of them.
- Q When he returned to the Cherokee Nation did he settle in or near the place in the Cherokee nation that he had gone away from? A Yes, it was to be close to the place, about four miles I reckon.
- Q What sort of place did he take up in the Cherokee nation, did he improve a place or did he buy one? A He bought a place.
- Q Then did he live on it? A Yes sir, until he died.
- Q How much was there in that place that he controlled, about how much? A In the field?
- Q Yes? A About 30 acres I reckon.
- Q Did he farm the place? A Yes sir, he done a heap of work on the place.
- Q Do you know whether he ever applied to the Dawes Commission for admission to citizenship in the Cherokee nation? A I think he did.
- Q In order that you will understand it I will explain to you that the Dawes Commission in 1886 was clothed with authority to admit persons to citizenship, that is persons whose names were not on the Tribal rolls and who were not recognized at that time as citizens, did he apply for admission, not for enrollment, at that time? A I don't know for certain but I think he did though.
- Q Do you know what was done with his application? A No sir.
- Q While he lived in Arkansas, did he own any property at all? A No sir, he never owned anything at all.
- Q Was his citizenship ever questioned after he returned to the Cherokee Nation? A I can't tell you that.
- Q When your husband located across from Fort Smith, the way you put it, did he own a place there? A No sir.
- Q You stated just now informally that he took you down and showed you a place which he owned? A Yes sir.
- Q Where was that place? A It was that place 4 miles from Uniontown, or 6 it might be.
- Q Was that the place you live on now? A No sir, we live about 3 miles from Uniontown, the place he bought.
- Q Did he ever live on that place he had? A No sir.
- Q While he was living in Arkansas did he ever make any trips to the Cherokee Nation? A Yes sir, he made lots of trips backward and forward.

- Q What for? A To see if he thought it would be safe for him to come back, his life was threatened and he had to leave to keep from being killed, and he come back to see when he could come back, when it would be safe for him to come back. That is what he left for, it was on account of his life.
- Q Do you know whether he regarded the Cherokee Nation as his home?
- A Yes sir, he did.
- Q Was it on account of some sort of trouble that he left the Cherokee Nation? A Yes sir, he was a witness and there was some more parties threatened to kill him for being a witness, threatened his life, the have pass party and I think it was Little that got killed, that he was a witness against.
- Q Do you know whether he returned to the Cherokee nation when he thought it would be safe for him to do so? A Yes sir.
- Q Did he pay taxes in Arkansas? A No sir, never did.

BY MR. BELL:

- Q Were you acquainted with Cook before he left the Cherokee Nation?
- A No sir.
- Q You knew him only from the time you met him in Arkansas after 1870? A Yes sir.
- Q Nothing about his antecedents before at all? A No sir.
- Q Who was it you said was killed up there that he was a witness in?
- A Little I think was the man's name.
- Q You say he never paid any taxes in Arkansas? A No sir.
- Q Never voted? A No sir.
- Q Never held an office? A No sir.
- Q Didn't own any property? A No sir.
- Q What did he do for a living? A Worked by days work for a living.
- Q Just worked about? A Yes sir.
- Q How old is your oldest child? A 30, no 25 I reckon, I forget how old he is.
- Q Are you of Cherokee blood yourself? A No sir.
- Q You are a United States citizen? A Yes sir.

ON BEHALF OF THE COMMISSIONERS:

- Q When did your children return to the Cherokee Nation with reference to the date of your return? A Yes sir, at the same time, we all come together when we come.
- Q Have your children lived in the Cherokee Nation continuously since they returned to the Cherokee Nation? A Yes sir, all but about a year.
- Q When was that? A That was when they went to---well it wasn't a year, about 4 or 5 months, when they worked at the coal mines, but they come back.
- Q Just a way a short time? A Yes sir.
- Q Did your children, or any of them ever take up citizenship anywhere outside of the Cherokee Nation? A No sir, they were all small when they come back to the Cherokee Nation.
- Q Have they voted in the Cherokee Nation since then? A Yes sir.
- Q Been recognized as citizens? A Yes sir.

BY MR. BELL:

- Q Have you lived at the same place all the time after you moved back? A Yes sir, all the time but about 3 or 4 months while we were at the coal mines.
- Q How long has your husband been dead? A Been dead going on 7 years.
- Q Who are your neighbors up there? A Well there is several living around there, Mote Kyatt, and Snows, and Duty's and Turman.
- Q How far do you live from the Arkansas line? A Well it is about a mile I reckon.
- Q In the Cherokee Nation? A Yes sir.
- Q Do you know party Sobalt? A Yes sir.
- Q How far do you live from here? A I don't know exactly how far.

JAMES M. KEYS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A James M. Keys.
- Q Your age? A 63 years.
- Q What is your post office? A Pryor Creek, I. T.
- Q You are a Cherokee by blood? A Yes sir.
- Q Do you know the witness Sarah E. Shook? A No sir.
- Q Did you know her husband James Shook during his life time? A Yes sir, I met James Shook during his life time.
- Q Have you held several positions in the Cherokee nation? A Yes sir.
- Q Were you in 1852 one of the Census takers who compiled the roll of 1851? A No sir, at a later date I was appointed, my recollection is it was while Cleveland was President, I was appointed one of the Old Settler's Census takers.
- Q Was that for the purpose of making a roll containing the names of the persons who were the so called "Old Settlers" of the Cherokee nation, and who were entitled to certain privileges as original beneficiaries? A Yes sir.
- Q Do you know whether James Shook's name was placed upon the roll of 1851? A Yes sir, James Shook, the name of James Shook appeared upon the 1851 old settler roll.
- Q Do you know that of your own knowledge? A Yes sir, he appeared in person and claimed the share as an original beneficiary.
- Q Did he appear before you? A Yes sir.
- Q Did you place his name on that roll? A Yes sir.
- Q Were the names of only Cherokees by blood placed upon that roll? A Yes, they may have been a few names placed there but it was intended that only old settlers Cherokee names appear there, but there was a few names that were not Cherokees.
- Q It was the intention to only place the names of citizens of the Cherokee nation upon that roll? A Yes sir.
- Q Was James Shook at that time recognized as a citizen of the present Cherokee nation? A I don't know sir, but he established fully that he was the James Shook on the 1851 roll and he drew his old settler money under that name.
- Q You recognized him as being a citizen of the Cherokee nation? A Yes sir.
- Q Do you know whether his name was placed upon that roll as being a Cherokee by blood? A Well I don't know as to that but he was an old settler and that is my impression he was an old settler Cherokee by blood. We didn't question it after we found his name upon the roll.
- Q Was the roll of 1851 supposed to have contained the names of only persons who were of Cherokee blood? A Yes sir.
- Q Was that roll supposed to have contained the names of the persons and who migrated to the Cherokee nation, and their descendants prior to 1834? A Yes sir.
- Q Was it supposed to have determined persons who were Cherokee citizens at that time or was it supposed to have contained the names of those original beneficiaries and their descendants? A No, to the first proposition. It didn't necessarily establish citizenship at the present time, at that time, in the Cherokee nation



- 2-
- Q Then in making that roll you only endeavored then as I understand it, to determine who the old settlers were and their descendants, and to make the payment to them? A Yes sir, that is the idea exactly.
- Q A person might not have at that time been a citizen of the Cherokee Nation and still have drawn that money? A Yes sir.

WITNESS EXCUSED.

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Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lesley*

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

*B. P. Rasmus*  
Notary Public.

11-10-1946

11-10-1946

11-10-1946

Cherokee D 113-114.

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

In the matter of the application for the enrollment  
of James Shook, et al., as citizens of the Cherokee Nation.

O R D E R.

It is found that upon examination of the 1893 census  
roll of citizens by blood of the Cherokee Nation residing in  
Sequoyah district, made under authority of an Act of the Cherokee  
National Council, approved April 15, 1903, that the applicants  
in this case are identified thereon as follows:

No.	Name	Age.	Male.	Female.	Remarks.
190	James Shook	58	M		Sarah E. Shook
	William T. Shook	18	M		
	John B. Shook	10	M		
	Amous Shook	7	M		
	Lillie M. Shook	5		F	

It is ordered that this statement be filed with and  
made a part of the record in the matter of the application for  
the enrollment of James Shook, et al., Cherokee case No. D-113,  
and William T. Shook, Cherokee case No. D-114.

Acting Commissioner.

Muskogee, Indian Territory,

this MAR - 9 1906

CAB

COPY

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

In the matter of the application for the enrollment of James Shook et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

James Shook, et al.,  
William T. Shook,

Cherokee D 113  
Cherokee D 114.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as citizens of the Cherokee Nation were made to the Commission to the Five Civilized Tribes by James Shook for himself, his wife, Sarah E. Shook, and their minor children, John B., Amos, and Lillie M. Shook, and by William T. Shook for himself. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, February 18 and August 29, 1902, and at Fort Smith, Arkansas, February 14, 1906. The application for the enrollment of the said Susan E. Shook is differently classified, and her rights to enrollment as a citizen of the Cherokee Nation will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, James Shook, was a Cherokee by blood, and in the year 1870 was a bona fide citizen of the Cherokee Nation; that in 1870 he left the Cherokee Nation, and was absent therefrom for about twenty years, during which time he lived in the state of Arkansas, where he married, and where the applicants, John B., Amos, Lillie M., and William T. Shook, children of the said James and Sarah E. Shook, were born. It is further shown that during his absence from the Cherokee Nation the said James Shook made frequent visits thereto; that he always considered the Cherokee Nation his home, never owned any property in the State of Arkansas, and never exercised any of the political rights of a citizen of said State, and that his absence from the Cherokee Nation was a matter of expediency rather than choice.

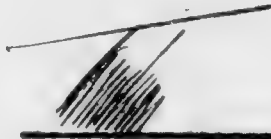
The evidence further shows that in the year 1890 the said James Sheek, with his family, including all the other applicants herein, returned to the Cherokee Nation, where they have since continuously resided. Said applicants are identified on the Cherokee census roll of 1893, the Cherokee Strip payment roll of 1894, and the Cherokee census roll of 1896.

The evidence further shows that James Sheek died prior to September 1, 1902.

Section Twenty-five of the Act of Congress approved July 1, 1902, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), John B. Sheek, Amos Sheek, Lillie M. Sheek, and William T. Sheek are entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly granted; and it is further ordered that, under the provisions of the Act of Congress, above noted, the application for the enrollment of James Sheek as a citizen by blood of the Cherokee Nation be, and the same is, hereby dismissed.



Commissioner

Dated at Muskogee, Indian Territory,

this APR 19 1906

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

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,..... **February 4th** 1902

**William T. Shook,**

**Uniontown, Arkansas**

**Sir:-**

You are hereby notified that the application of..... **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the **18th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**Cherokee D-114**

**Register.**

Yours truly,

Acting Chairman.

6-11-11

107  
FEB 4 1902

AT THE ...

COPY.

Muskogee, Indian Territory, August 11, 1902.

In the matter of the application of  
William T. Shock for the enrollment  
of himself as a citizen by blood of  
the Cherokee Nation.

NOTICE.

To William T. Shock,  
Uniontown, Arkansas,

You are hereby notified to appear before the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, within thirty days from date hereof and submit further evidence as to your recognition as a citizen of the Cherokee Nation prior to 1894.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY James P. Gibbs  
Acting Chairman.

Register.



Muskogee, Indian Territory, August 11, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that William T. Sheek has been notified to appear before the Commission at its office in Muskogee, Indian Territory, within thirty days from date hereof and submit evidence as to his recognition as a citizen of the Cherokee Nation prior to 1894.

Very respectfully,

Respectfully

James B. Bixby

Acting Chairman.

Cherokee D-114.

Tahlequah, Indian Territory, April 9, 1904.

William T. Shook,  
Uniontown, Arkansas.

Dear Sir:

You have heretofore been requested to appear before the Commission and give testimony relative to your citizenship in the Cherokee Nation.

As the roll of citizens in preparation by this Commission is rapidly nearing completion, you are urgently requested to appear at the Cherokee Land Office of the Commission at Tahlequah, Indian Territory, at the very earliest opportunity, and give testimony relative to your Cherokee blood and to your recognition as a citizen of the Cherokee Nation prior to 1894.

Respectfully,

Commissioner in Charge  
Cherokee Land Office.

OWI



Cherokee  
D 113, 114

Muskogee, Indian Territory, February 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Fort Smith, Arkansas, on February 14, 1906, in the matter of the application for the enrollment of Sarah B. Shook, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. GI-56.  
GHL

Acting Commissioner.

Cherokee D-113,

et al.

Muskogee, Indian Territory, April 19, 1906.

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, dismissing the application for the enrollment of James Shook, and granting the application for the enrollment of John B., Amos, Lillie M. and William T. Shook, as citizens by blood of the Cherokee Nation.

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

Respectfully,

Incl. S-92

SIGNED: *Wm. O. Bull*  
Acting Commissioner.

Cherokee D-114.

COPY.

Muskogee, Indian Territory, May 15, 1906.

William T. Shook,  
Uniontown, Arkansas.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, granting, among others, your application for enrollment as a citizen by blood of the Cherokee Nation.

You are 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,

(SIGNED).

*J. W. Ball*  
Acting Commissioner.

Incl. 8-7  
LS

Cher 10972

Susan Frances Tweedle

Trans. from D2971

Cher 10972

C7B

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of

SUSAN FRANCES TWEDLE

as a citizen by blood of the Cherokee Nation.

-----0-----  
CHEROKEE D 2971.



R  
Cher D 2971

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,  
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emmet Starr.  
Q What is your age? A Thirty one years.  
Q What is your present office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

Susan Frances Tweedle #2000 Illinois District.

- Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1896  
Cherokee roll, their families and their descendants:

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.

Subscribed and sworn to before me this December 9, 1902.

*E. C. Bagwell*  
*B. Jones*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tahlequah, I. T., May 20, 1903.

In the matter of the application of Susan Frances Tweedle for enrollment as a citizen by blood of the Cherokee Nation.

Adam L. Lacey, being duly sworn, and examined by the Commission, testified as follows:

- Q State your name? A Adam L. Lacey.  
Q How old are you? A Fifty-eight.  
Q What is your postoffice? A Baptist.  
Q Do you know Susan Frances Tweedle? A Yes sir, I do.  
Q How long? A I don't know, about seven or eight years ago.  
Q What was her mother's name? A Susan Sixkiller.  
Q Is she a sister of Bertha Sixkiller? A No, her mother. Bertha Sixkiller she was — her father and Susie weren't legally married.  
Q Was Bertha Sixkiller's mother Susie? A Yes sir.  
Q And this child's mother was also Susie? A Yes.  
Q Bertha Sixkiller, her sister is named Susie too? A This is a different father.  
Q But the same mother? A Yes, the same mother; Bertha and Frances are half-sisters.  
Q Where is Susan Frances Tweedle now? A I do not know. I found it out the last I heard she lived with William Tweedle on Fourteen Mile Creek, but he is dead now.  
Q Did she live with her father after her mother, Susan, died?  
A Yes sir.  
Q And William Tweedle is dead? A Yes sir.  
Q How long has he been dead? A I don't know, about '96 some time, or '97.  
Q And you don't know who took this child? A I do not know. I found it out that she was enrolled before the Dawes Commission; I don't know who registered her. We couldn't find her ever since.  
Q Who is Elizabeth Tweedle? A Her daughter; — the little girl, Frances.  
Q Elizabeth Tweedle was the sister of Susan Frances? A Yes sir.  
Q Bertha and Elizabeth are the same person, are they not? A Yes, some call her Bertha and some call her Elizabeth.  
Q But Bertha Sixkiller and Elizabeth Sixkiller are the same person?  
A Yes sir.  
Q How much Cherokee blood did Susan Sixkiller have? A She was a full-blood.  
Q So these two girls are half breeds? A Yes sir, they both had white fathers.  
Q When was the last you heard of Susan Frances? A About five or six years ago.  
Q She was living in the nation then with her father? A Yes sir, they lived in Illinois District then somewhere, in Webb's Falls.  
Q I presume some one has taken this child and raised her? A I presume so; I suppose somebody is guardian for her, I couldn't find it out. I have been trying to trace it ever since.
-

2-Susan Frances Tweedle.-

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. G. Rotherberg*

Subscribed and sworn to before me this 31st day of May, 1905.

*Samuel Foreman*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE? I. T., FEBRUARY 3, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of USAN FRANCES TWEEDLE as a citizen by blood of the Cherokee Nation.

APPEARANCES:

For Applicant, N. A. Gibson.  
For Cherokee Nation, No appearance.

WILLIAM TWEEDLE, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A William Tweedle.  
Q How old are you? A I am 49 years old.  
Q What is your post office? A Sallisaw.  
Q Are you a white man? A Yes sir.  
Q You do not claim citizenship in the Cherokee Nation? A I complied with the law when I married.  
Q You appear here today for the purpose of giving testimony in connection with the application for the enrollment of your child?  
A Yes sir.  
Q Is this your child here (indicating)? A Yes sir.  
Q What is her name? A Susan Frances Tweedle.  
Q How old is she? A She is 11 years old, will be 12 the 25th of March.  
Q What is the name of her mother? A Susan Sixkiller before she married.  
Q Is she living? A No sir, died when this child was 8 months old.  
Q Was she a Cherokee by blood? A Yes sir.  
Q So recognized? A Yes sir.  
Q In what district in the Cherokee Nation did she live? A When married?  
Q Yes? A She lived in Goingsnake.  
Q Were you and she married? A Yes sir, married under the Cherokee action, Cherokee law. I was then a citizen of the Cherokee Nation, recognized as a citizen.  
Q Have you your marriage license and certificate? A No sir, we got them burned up, I have a register of the certificate, my register of marriage, and here I don't know whether they put it on record or not.  
Q By whom were you married? A We were married by Joe Smallwood.  
Q Was he a minister of the gospel? A Yes sir.  
Q Where does he live? A He lives in Goingsnake District.  
Q What is his post office? A I don't really know, it used to be the Court House, Goingsnake Court House but what it is now I don't know.  
Q He is living at this time? A I suppose so, I don't know whether he is or not, I haven't seen him, I am not posted in regard to whether he is alive or not.  
Q Did you and Susan Sixkiller have any children besides this one?  
A She had one child older than this one but it wasn't my child.  
Q Whose child was it? A It was Garrett's.  
Q What is the child's name? A Her name, they call it Bertha, I don't know whether she is or not.

- Q How long had you known Susan Sixkiller before you married her?  
A I had known her about 4 years.
- Q Do you know whether she resided in the Cherokee Nation continuously all of her life? A Yes sir, born and raised there, never was out of it two months in her life I don't suppose.
- Q That is what you understand? A Yes sir, well her sisters and all of them were all born and raised right there on the old place.
- Q Was this child Susan Frances born while you and Susan Sixkiller were living together? A Yes sir.
- Q How long had you been living together prior to her birth? A Some where in the neighborhood of a year or 13 months.
- Q Where has this child lived all of its life? A Well it has been with me most of the time, part of the time I had her with my wife's people, and they pulled up and left the place after I went down in the Choctaw country and they heard I was dead, they pulled up and left the Cherokee country, what they did it for I don't know.
- Q Where did you say they went? A Down in the Choctaw country, that is where I found this child.
- Q How long did they the child live down there? A Well it was about a year I guess.
- Q When did you get the child? A In September.
- Q Last September? A Yes sir.
- Q Where has the child lived since then? A It has been with me, we have been in the Choctaw country and the Chickasaw country part of the time and in the Cherokee and back in the Chickasaw.
- Q Where have you lived since you and Susan Sixkiller married?  
A I lived at Tahlequah.
- Q Begin when you were first married? A We lived first ~~down~~ out on Barron Fork in the Cherokee Nation.
- Q Lived on a farm there? A Yes sir.
- Q How long did you live there? A Just one winter then in the spring we lived on John Smith's place, known by---
- Q Goingsnake District? A No sir, Tahlequah district.
- Q Cherokee Nation? A Yes sir, 6 miles east of Tahlequah, we lived there one summer and made a crop there.
- Q Then where did you go? A Went from there out to Oolagah, moved out there and bought a place and my wife died that winter.
- Q Then where did you go? A I came back over here in the Cherokee Nation.
- Q Oolagah is in the Cherokee Nation? A Yes sir, Cooweescoowee District.
- Q Then how long did you live in the Cherokee Nation before you left? A Before I left, I left in about three months after they enrolled here at Fort Gibson. The Cherokees enrolled there and they were making up a final roll and I went and enrolled this child, and about three months after that I left there and went and left the child with these people, then afterwards I noticed that this wasn't the final roll.
- Q That roll you spoke of being made, was it being made by the Dawes Commission or by the Cherokee authorities? A Cherokee authorities.
- Q What roll was that? A It was a roll before the Dawes Commission took place.
- Q Then you went down, that must have been about 1896, into the Choctaw Nation? A I did, yes sir.
- Q How long did you continue to live down there? A I was down there about six months then I come back up in the Cherokee country where my child was and stayed awhile, I was back and forth.

- Q Have you ever since you married Susan Sixkiller made your home outside of the Indian Territory? A No sir.
- Q Have you ever been out any length of time? A I have been out and worked some for a month or six weeks.
- Q Have you ever been out for more than that length of time? A Not at one time, now sir, I have been out off and on.
- Q Did you draw Cherokee strip money for this child? A Yes sir.

BY MR. GIBSON:

- Q What was your first wife's name? A I have been married three times, my first wife was Susan Fields.
- Q Is she a Cherokee? A Yes sir.
- Q Is she living or dead? A Dead.
- Q Did you and she have any children? A No sir.
- Q When did she die? A I don't remember about 18 years ago.
- Q After her death did you marry anybody else? A I married this Calodonia Thomas.
- Q Was she a Cherokee citizen? A Yes sir.
- Q How long did you and she live together? A Two years.
- Q Is she living or dead? A I suppose she is living.
- Q Did you separate? A Yes sir, and she got a divorce.
- Q Where did she get a divorce? A Flint District.
- Q In the Cherokee Court? A Yes sir.
- Q Were you present when the case was tried? A No sir.
- Q Where were you living at that time? A I was living in Goingsnake on Barron Fork.
- Q When did you marry the mother of this child--Susan Sixkiller when did you marry her? A I don't recollect.
- Q How long after the divorce? A About three months.
- Q How long did you and Susan Sixkiller live together before her death? A A little better than two years.
- Q And she has been dead about 11 years? A 11 years, just about 11 years now.
- Q When did this family this Thomas family, or was it Thompson that you left this child with? A Thomas.
- Q When did they take her yawa from Sallisaw to the Choctaw Nation? A I don't know exactly.
- Q About how long ago? A Two years.
- Q How frequently had you seen this child before that time, how often? A Why every month or two months.
- Q And they kept her down in the Choctaw Nation about a year before you found her? A Yes sir, about a year, maybe a little better than that.
- Q Are you positive she is the same child? A Yes sir.
- Q No question as to the identity? A No sir, I am positive she is the same child, found her with the same people.
- Q Did she recognize you when you found her? A Yes sir, knew me and come to me for 75 yards before I got to where they were.
- Q What kind of work have you been doing? A First one thing and then another.
- Q Just laboring at any job you could get? A Yes sir.
- Q How long have you been living at Sallisaw this last time? A Only about two weeks.

ON BEHALF OF THE COMMISSIONER:

- Q What would be Susan Sixkiller's name 25 years ago, in 1880?
- A Susan Sixkiller. I think that is about right.

BY MR. GIBSON:

- Q How old was she when she died? A I don't remember exactly, she didn't know exactly her age.
- Q Well approximate it, about how old you think? A 24.

Q 24 when she died, that was 11 years ago? A Yes sir, she might have been older than that, I don't know. Adam Lacy's wife is a full sister of her and she had their ages and my wife didn't have the ages.

ON BEHALF OF THE COMMISSIONER:

Q What is the name of the father of Susan Sixkiller? A Taylor Sixkiller.  
Q Did she have any ~~xx~~ brothers and sisters? A One brother, Johnson.  
Q Any sisters? A Eliza was the oldest girl and I think Johnson was the next oldest child, my wife was the next and Jennie Sixkiller was the next. Adam Lacy married ~~xx~~ the oldest girl and also the youngest one, his first wife died.

The mother of Susan Frances Tweedle is identified on the 1880 Authenticate roll of citizens of the Cherokee Nation, page 469, No. 1462 as Susan Sixkiller, a Native Cherokee 12 years of age, ~~xxxx~~ marked "dead." She is identified thereon with the members of her father's family.

Q Where were you living when you applied for the enrollment of your child to the Cherokee authorities at Fort Gibson that you speak of?  
A I was just staying around first one place and then another with this little girl, mostly with the connections.  
Q Do you know what District in the Cherokee Nation? A I was here most of the time, here in Illinois District, ---Tahlequah District it is. Aint Fort Gibson in Tahlequah District?  
Q No it is Illinois? A That is right, I stayed a good while with Ose Hari north of Gibson, stayed ~~wome~~ with Rogers, some with Benge, first one place and then another.

BY MR. GIBSON:

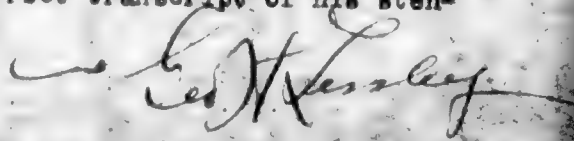
Q Are they kin to your wife? A Yes sir.  
Q Which Benge? A Houston Benge is a connection of hers.

ON BEHALF OF THE COMMISSIONER:

The applicant, Susan Frances Tweedle is identified on the 1894 pay roll of citizens of the Cherokee Nation, page 1164, No. 3309, Susan F. Tweedle, Tahlequah District. Her mother is identified thereon opposite No. 3307 as Susie Tweedle.

-----oOo-----

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 3rd day of February, 1906.



Notary Public

71B

Cherokee D 2971

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

In the matter of the application for the enrollment of  
Susan Frances Tweedle as a citizen by blood of the Cherokee Nation.

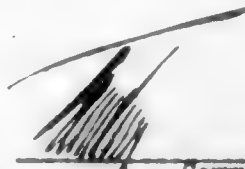
D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmett Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Susan Frances Tweedle as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, May 20, 1903, and at Muskogee, Indian Territory, February 3, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Susan Frances Tweedle, is the daughter of William Tweedle, a non-citizen white man, and one Susan Tweedle, now deceased, a Cherokee by blood. The said Susan Tweedle is identified on the Cherokee authenticated tribal roll of 1880 as Susan Sixkiller, Native Cherokee, page 462, number 1462, and continuously resided in the Cherokee Nation all her life. The evidence further shows that the said Susan Frances Tweedle was born in the Cherokee Nation and has continuously resided within the domain of the Five Civilized Tribes since birth.

Said applicant, Susan Frances Tweedle, is identified on the Cherokee Strip payment roll of 1894, and the Cherokee census roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), Susan Frances Tweedle is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.



Commissioner

Dated at Muskogee, Indian Territory ,

this APR 10 1906



DEPARTMENT OF THE INTERIOR  
OFFICE OF  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES  
MUSEUM, OKLAHOMA

THIS IS TO CERTIFY THAT \_\_\_\_\_ AGENT HAVING CON-  
TAINED THE ABOVE DESCRIBED ARTIFACTS IN HIS POSSESSION  
THEY WERE RECEIVED FROM \_\_\_\_\_  
CLERK A. H. \_\_\_\_\_  
IN ACCORDANCE WITH THE PROVISIONS OF THE ACT OF MARCH 3, 1879,  
AND FOREGOING IS A TRUE AND CORRECT COPY.

**Cherokee Census Card #10973.**

S. A. WALLER, Superintendent

BY Edo J. [Signature] CLERK

IN CHARGE **Cherokee** RECORDS

DATE 8/28/23 192



Cherokee  D-

COPY.

2971.

Muskogee, Indian Territory, September 27, 1905.

William Tweedle,

Idabel, Indian Territory.

Dear Sir:

This office is in receipt of your recent letter without date, stating that you have a child that is half Cherokee Indian, and that you were married according to the laws of the Cherokee Nation to the child's mother. You state that you have been on the roll and considered a legal voter in the Cherokee Nation, and ask to be advised if there is any chance for you to secure the enrollment of yourself and child as citizens of the Cherokee Nation.

In reply you are advised that the records of this office show that Florence M. Tweedle, aged about fourteen years, a child of William Tweedle, a non-citizen, and Caledonia E. Anible, a Cherokee by blood, is a duly enrolled citizen by blood of the Cherokee Nation. The records of this office further show that application has been made for the enrollment of one Susan Frances Tweedle as a citizen by blood of the Cherokee Nation, and that its name has been placed upon a doubtful card. Sufficient evidence has not been secured in order to determine the right to

enrollment of said child.

If the Susan Frances Tweedle referred to is your child you should appear before the Offices of the Commissioner to the Five Civilized Tribes at the earliest practicable date for the purpose of giving testimony as to the right to enrollment of said child.

You are further advised that it does not appear, from an examination of the records of this office, that any application has ever been made to the Commission to the Five Civilized Tribes for your enrollment as a citizen of the Cherokee Nation. In this connection there is quoted you the following provision of the Act of Congress approved July 1, 1902 (32 Stat., 716):

" . . . . but the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

Respectfully,

SIGNED:

*Tame Dixby.*

Commissioner.

LS

Cherokee  
D 2971

Muskogee, Indian Territory, February 5, 1906.

N. A. Gibson,

Attorney for Susan Frances Tweedle,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony of February 3, 1906, in the matter of the application for the enrollment of Susan Frances Tweedle as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. GL-4.  
GHL

Acting Commissioner.

Cherokee  
D 2471

Muskogee, Indian Territory, February 5, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony of February 3, 1906, in the matter of the application for the enrollment of Susan Frances Tweedle as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. GI-5.  
GHL

Acting Commissioner.

Cherokee D-2971.

601  
Muskogee, Indian Territory, April 19, 1906.

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

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, granting the application for the enrollment of Susan Frances Tweedle as a citizen by blood of the Cherokee Nation.

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

Respectfully,

Incl. S-79

SIGNED:

*Wm. H. Sealie*  
Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING  
Cherokee D-2971.

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

Muskogee, Indian Territory, May 16, 1906.

William Tweedle,

Sallisaw, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, granting the application for the enrollment of your child, Susan Frances Tweedle, as a citizen by blood of the Cherokee Nation.

You are advised that you will not be permitted to make an allotment selection for said child until her name is 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,

*W. O. Beale*

Acting Commissioner.

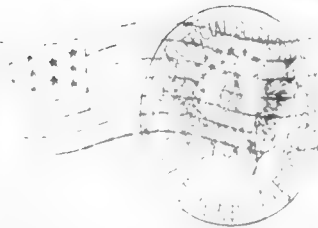
Incl. S-9  
LS



Department of the Interior.

Commiss. Genl. to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



~~William Tweedle,~~

~~Sallisaw, Indian Territory.~~

Cher 10973

John Locust

Trans. from D1744

Cher 10973

GFB

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

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In the matter of the application for the enrollment of  
John and Jennie Locust as citizens by blood of the Cherokee Na-  
tion.

Cherokee D-1744.

R  
Cher B 1944

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLITT, ET AL.,  
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emmet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

John Loomer, page 1271, § 1202, Muskogee District;  
Also on 1896 roll, page 278, § 221, Muskogee District, as James  
Hatcher Loomer;  
James Ross, page 1280, § 1, Muskogee District; adopted  
son of  
John Ross, the wife of John Ross.

- Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1880  
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stated in the report of the  
Commission to the Five Civilized Tribes, he was present at the  
testimony and proceedings had in the above entitled matter and  
the foregoing is an accurate transcript of his testimony and  
thereof.

Subscribed and sworn to before me this 21 day of July, 1902.

R.  
Cher. D-1744.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tahlequah, I. T., September 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JOHN LOCUST and others as citizens by blood of the Cherokee Nation.

WILLIAM SWIMMER, being first duly sworn, and being examined, testified as follows, through official interpreter S.R. Walkingstick

BY COMMISSION: Your name is William Swimmer, your age is forty-one, your post office address is Cookson, I. T. A Yes sir.

Q You are a recognized citizen by blood of the Cherokee Nation?

A Yes sir.

Q Do you know John Locust? A Yes sir, I know him.

Q He is a young man about twenty-nine years of age? A Yes, that must be about his age.

Q What is his post office address? A Vardallia, I think.

Q Does he reside in Tahlequah District? A Yes sir.

Q What is the name of his father? A Obadiah Locust.

Q Is he living? A No sir.

Q Was he a Cherokee by blood? A Yes sir, he was a full blood.

Q What is the name of the mother of John Locust? A I don't know.

Q Is she living? A No sir.

Q Was she a Cherokee by blood? A I don't remember of ever seeing her. I only knew his father.

Q Is John Locust a full blood Cherokee? A Yes sir, he looks like a full blood.

Q How long have you known him? A I have known him about fifteen years.

Q Has he resided in the Cherokee Nation continuously during the time you have known him? A Yes sir, they have been residing in the Cherokee Nation, since they came from North Carolina, about fifteen years ago, probably longer.

Q Is John Locust married? A Yes sir.

Q What is the name of his wife? A Jennie.

Q She is a woman now about eighteen years old?

A Yes sir, that is about her age.

Q Do you know the name of her father? A William Ross.

Q Is he living? A Yes sir, he is living.

Q What is the name of the mother of Jennie Locust? A Lizzie Lizzie Jumper is her name.

Q Is she living? A Yes sir.

Q Is she a Cherokee by blood? A Could not state about that.

I do know, though, that she is part Creek. I don't know whether she is a full blood Creek, or just part.

Q Is she recognized as a citizen of the Cherokee Nation? A Yes sir.

Q Do you know of ever residing in the Creek Nation? A No sir.

Q Is Jennie Locust, the wife of John Locust, recognized as a citizen by blood of the Cherokee Nation? A Yes sir, she is recognized as a citizen.

Q Do John Locust and his wife belong to a class of people who have refused to present themselves for enrollment? A I think so, but I am not sure.

Q Have they any children? A No sir.

Q What is John Locust's Cherokee name? A John Quache.

Q In what district did John Locust live when he first came to the Cherokee Nation? A Flint District, afterwards moved into Tahlequah District.

John Locust is duly identified upon the 1880 authenticated roll of citizens of the Cherokee Nation, Page 376, #761, Johnny Butcher (Owacha) Locust, Flint District, native Cherokee, age 4.

The applicants are duly identified upon the 1896 census roll of citizens of the Cherokee Nation as follows:

Page 1204, #1992, John Locust, Tahlequah District, native Cherokee, age 23.

Page 1329, #3, Jennie Ross, Creek roll, Tahlequah District, age 12.

-----

Wm. Hutchinson, being first duly sworn, deposes that he stenographer to the Commission to the Five Civilized Tribes has correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the proceedings aforesaid.

Wm. Hutchinson

Subscribed and sworn to before me this 11th day of September, 1902.

John Ross  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

APR 3 1896

*[Signature]*  
Commissioner

Cherokee D-1744.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., APRIL 3, 1906.

In the matter of the application for the enrollment, as citizens by blood of the Cherokee Nation, of John Locust and his wife Jennie Locust.

---000000000---

Jennie Banty, being first duly sworn, testified as follows, through interpreter, John Israel.

ON BEHALF OF COMMISSIONER:

- Q What is your name? Jennie Banty.  
Q How old are you? A 24 or 5.  
Q What is your postoffice? Braggs.  
Q Are you a Cherokee by blood? A Yes sir.  
Q Are you part Cherokee and part Creek? A She don't know.  
Q Are you a full blood Indian? A She don't know.

The applicant's mother is enrolled as a full blood and her father as a three-quarter degree Cherokee.

- Q What is the name of your father? A Will Ross.  
Q Is he living? A Yes sir.  
Q Has he got a wife at the present time? A Yes sir.  
Q What is her name? A Polly.  
Q Has he got some younger children by his wife Polly? A Yes sir, two.  
Q What are their names? A Will and Betsy.

The applicant's father is listed for enrollment on Cherokee card, Field No. 9147, and his name appears on a partial roll of citizens by blood of the Cherokee Nation, approved by the Secretary of the Interior, opposite No. 20933.

- Q What is the name of your mother? A Lizzie Jumper.  
Q Is she married now? A Yes sir.  
Q What is her husband's name? A Jim Rooster.  
Q Has she got some children? A Yes sir, one.  
Q What is its name? A Dabson.

The applicant's mother is listed for enrollment on Cherokee card, Field No. 8604, and her name appears on a partial roll of citizens by blood of the Cherokee Nation, approved by the Secretary of the Interior, opposite No. 25801, as Lizzie Rooster.

- Q Where were you born? A Born at Sugar Mountain, Tahlequah district.  
Q Where have you lived all of your life? A Near Sugar Mountain.  
Q In the Cherokee Nation? A Yes sir.  
Q Have you ever made your home outside of the Cherokee Nation?  
A No sir.



- Q Have you ever been recognized as a citizen of any other tribe of Indians in Indian Territory? A No sir.
- Q Have you ever drawn any money from any other tribe? A No sir.
- Q Has any land been allotted to you in any other tribe? A No sir.
- Q When were you and your husband Banty married? A Last May was a year ago.
- Q May of 1904? A Yes sir.
- Q What is your husband's full name? A Ice Banty.

The applicant's husband cannot be identified on the records of this office enrolled under the name of Ice Banty.

- Q Were you married before you married Ice Banty? A Yes sir.
- Q What was your former husband's name? A John Locust.
- Q Is he a full blood Cherokee? A Yes sir.
- Q Is he living? A Yes sir.
- Q When were you and he married; about how long ago? A Near about nine hears ago.
- Q Were you ever married to any other men besides Ice Banty and John Locust? A No sir.
- Q Has John Locust lived in the Cherokee Nation continuously all his life? A Yes sir.
- Q Did he ever make his home anywhere else? A No sir.
- Q Has he ever been recognized as a citizen of any other tribe of Indians besides Cherokee? A No sir.
- Q Has he ever been enrolled, received any money or land as a citizen of any other tribe? A No sir.
- Q What is his postoffice now? A Wauhillaau.

The witness is probably too young to be identified on the 1880 Cherokee roll; she gives her age as 24 or 5 years, and she is identified on the 1896 Cherokee census roll as 12 years of age at that time.

WITNESS EXCUSED.

Louise Smith, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause, and that the foregoing is a true and correct transcript of her stenographic notes thereof.

*Louise Smith*

Subscribed and sworn to before me this April 3, 1906.

*B. P. Rasmus*  
Notary Public.

0763

Cherokee D 1744

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of John and Jennie Locust as citizens by blood of the Cherokee Nation.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of John Locust and Jennie Locust, nee Ross, as citizens of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, September 3, 1902, and at Muskogee, Indian Territory, April 3, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, John Locust, who is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896, was born in the Cherokee Nation and has continuously resided in said Nation since birth; that the applicant, Jennie Locust, who is identified on the Cherokee census roll of 1896, was born in the Cherokee Nation since 1880, has continuously resided in said Nation since birth, and is the daughter of Will Ross and Lizzie Rooster, who are regularly enrolled citizens by blood of the Cherokee Nation, their names appearing on the approved partial roll of citizens thereof opposite Nos. 20933 and 25801, respectively.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), John Locust and Jennie Locust are entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly granted.



Commissioner

Dated at Muskogee, Indian Territory,  
this JUN 26 1906

REFER IN REPLY TO THE FOLLOWING:  
Cherokee D. 1744.

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

Muskogee, Indian Territory, June 26, 1906.

Jennie Locust,  
Braggs, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 26, 1906, granting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation.

You are 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,

Encl. M.A.26-17.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Charokae B 1744.

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

Muskogee, Indian Territory, June 26, 1906.

John Locust,

Wauhillaun, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 26, 1906, granting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation.

You are 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,

Encl. M.A.26-18.

Commissioner.

Cherokee B 1744.

COPY

Muskogee, Indian Territory, June 26, 1906.

John Locust,

Wauhatchie, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 26, 1906, granting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation.

You are 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,

Encl. M.A.26-18.

(SIGNED)

*Tames E. ...*  
Commissioner

Cherokee D 1744.

COPY.

Muskogee, Indian Territory, June 26, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 26, 1906, granting the application for the enrollment of John and Jennie Leunst as citizens by blood of the Cherokee Nation.

Respectfully,

Encl. N.A.26-19.

ISSUED.

*Tame Bixby*  
Commissioner.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

*Handwritten signature*



Jennie Locust,

Brawns, Indian Territory.



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MIR N  
1908

STILLWATER  
SEP 8  
MIR N  
1908

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

*Returned to the  
Advertiser  
Muskeogee*



John Locust,

Wauhilla, Indian Territory.

Cher 10974 "

John Herran

Cher 10974

1  
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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of  
JOHN HERRAN  
as a citizen by blood of the Cherokee Nation  
CHEROKEE D 3116

R  
Cher

D 3116

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tuskogee, T. T., June 20, 1908.

In the matter of the application of JAMES BULLOCK, ET AL.,  
for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emmet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Blainmore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

- Q Are there any other persons for whom you desire to make applica-  
tion for enrollment?  
A I desire to apply for the following named persons on the 1896  
Cherokee roll, their families and their descendants:

John Heron #860 Tahlequah District.  
On 1896 roll page 1181 #1380 Tahlequah Dist. as John Herren.

E. C. Bagwell, on oath states that he is a member of the  
Commission to the Five Civilized Tribes, he has read the  
testimony and proceedings and is the above named  
persons being in an accurate transcript of the

Subscribed and sworn to before me this December 5, 1908.

*E. C. Bagwell*

*13*

Q 3114

Executed and sworn to before me this 14th day of May, 1880.

*[Signature]*  
Notary Public.

the testimony and the evidence in this case, and that the foregoing is the substance of the evidence and the facts as reported to the undersigned, being duly sworn, states that as reported.

COMMISSION

MA

a part of the record in the case of (O'Dell) Herndon, Cherokee D-2171A.

whether they do or not. I think they do.

in Westville. I was twenty-three days that I spent in Westville. I was twenty-three days that I spent in Westville.

of Edward, A Yes sir. I was in the State of Georgia in 1880. I was in the State of Georgia in 1880. I was in the State of Georgia in 1880.

Cherokee D-3116.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Tahlequah, I. T., May 9, 1903.

In the matter of the application of John Heron for enrollment  
as a citizen by blood of the Cherokee Nation.

Mattie O. Herran, being duly sworn, and examined by the  
Commission, testified as follows:

- Q What is your name? A Mattie O. Herran.  
Q How old are you? A Forty-five.  
Q What is your postoffice? A Tahlequah.  
Q Are you a citizen of the Cherokee Nation? A Yes sir.  
Q Cherokee by blood? A Yes sir.  
Q Have you been enrolled? A Yes sir.  
Q Under the name of Mattie O. Herran? A Yes sir.  
Q Have you been a resident of the Cherokee Nation all your life?  
A Yes sir.  
Q Have you any children? A Yes sir.  
Q Give me the names of your children? A John.  
Q How old is John? A He is twenty-three, I think; no, twenty-four.  
Q He is the oldest one? A No, I have a daughter older than him.  
Laura B. Herran.  
Q She is how old? A She is twenty-five.  
Q Is she married? A Yes sir.  
Q What is her name now? A Green.  
Q Laura B. Green? A Yes sir.  
Q Has she been enrolled? A I reckon; yes, sir, I think she has.  
Q She probably enrolled herself, did she? A Yes sir.  
Q John is the next one? A Yes sir.  
Q How old? A Twentyfour. No, twenty-three.  
Q Is he living with you? A No sir.  
Q How long has he been away from home? A I think it was five  
years last —.  
Q Do you know if John has been enrolled? A No sir, I don't.  
Q Who is the next child to John? A Richard F.  
Q How old is Richard F.? A He is twenty-two, I think; I want  
say for certain, but I think twenty-two.  
Q Is he living at home with you? A No, sir.  
Q How long has he been away from home? A Two years.  
Q Do you know if he has been enrolled? A Yes, I think he has; I  
know he has.  
Q He enrolled himself, did he? A Yes sir.  
Q Is he married? A No sir.  
Q Is John married? A No sir, not that I know of.  
Q Where is John living? A I couldn't tell you, I haven't heard  
of him for years or more. The last I heard of him he was in Missouri.  
Q Are you on the roll of 1880? A I think I am.  
Q In what district? A I think it was in Goingname at the time.  
Q Under what name were you enrolled in '80? A The same.  
Q Herran? A Yes sir.

The witness is identified on the roll of 1880 page 443, No.  
959, Goingname District, as Matty Herran.

- Q Now, is that your married name? A That is my first husband. I  
never went by the rest of their names at all.  
Q That was your first husband? A Yes sir.

8- John Heron.

Q How many children did you have at that time in 1880, twenty-three years ago? A I believe I had four then; I wont say for certain.

Q The oldest one's name was Laura? A Yes sir, Laura. Laura B.

On the roll of 1880 with the witness are four children, no Christian names given. The child number 940 on the roll has been identified as the witness' oldest child, Laura B. Green, and she is found to be listed on Card 5464, and her name appears on the final roll of Cherokee citizens at 13089.

Q What is the name of your next child after Laura? A John H.  
Q And the next one to John? A Richard F.

The witness' child on the roll of 1880 with her at No. 941 has been identified as Richard F. Herran, and his name appears on Card 6795, and also on the final roll of Cherokee citizens, No. 16274.

Q Now you say John is about twenty-four years old? A Yes sir, I guess he will be in September. This last March I guess; he is twenty-four.

Q You say he has been away five years? A Yes, it is five last August.

Q Did he live with you all his life, up to that time? A No sir, he was coming and going up until he got up to some age.

Q Even when he was little? A After he got of age. When he was little he was at home all the time.

Q When did he leave home first? A About fifteen years old.

Q Have you kept track of him since that time? A Not all the time.

Q Has he been out of the territory? A Yes sir.

Q Where has he been? A In Kansas and Missouri.

Q What was he doing there? A Riding race horses for a while.

Q Would he come back and visit you once in a while? Yes sir, he would come back once in a while.

Q This last time he has been gone four or five years? A About five years, I think. It has been four years since I heard of him.

Q Has he been out in the states? A Yes sir.

Q Do you know where he is? A No sir, I have no idea where he is.

Q You don't know as a matter of fact whether he is living or not? A No sir, I don't.

Q Does he correspond with anybody that you know of? A No sir.

Q Do you know where he was living seven years ago, was he in Tahlequah District? A I believe he was at school here, I am not certain, but I think he was in the Seminary here then; I couldn't say though.

Q Does John own any farm here at all? A No sir.

Q He owns no property at all in the nation? A No sir.

Q Well now, who is your next child? A Richard.

Q After Richard? A Edward Herran.

Q Was he living with you in 1880? A Yes sir.

Q How old is he? A He died when he was an infant; he would be eighteen if he was living.

Q He wouldn't be on the roll of 1880? A No sir, he wouldn't be on that roll.

Q You named John, Richard and Laura? A And Edward is on that roll; he is on that roll.

Q That is the four? A Yes sir, but he died when he was small.



5- John Heron.

Q After Edward, who is the next child? A That is an infant, it is no use to call; it is dead too.

Q It never was enrolled? A No sir, I don't think it was.

Q The next one? A The next was an infant too.

QA It never was enrolled; and the next was Mary Harlan.

Q You enrolled her with you? A Yes.

Q And then was Mennie Shirley? A Yes sir.

Q And Mattie Shirley? A Yes sir.

Q You enrolled those three children at the time you enrolled?

A Yes sir.

Q Now, you are pretty certain, Mrs. Herran, that that fourth child on the roll of 1880 is your deceased child Edward? A Yes, I know it is.

Q When did he die? You say he died when he was an infant? A Yes sir.

There appears to have been listed from information on Cherokee D-5117 the witness' fourth child, identified with her on the roll of 1880 at No. 943 as (Child) Herran, whom she identified as her deceased child, Edward Herran.

Q Did your child, John, ever live with anybody else except you?

A He stayed a while with my brother.

Q When he was little? A Yes sir.

Q Where did your brother live? A In Goingsnake.

Q Did he ever live in Tahlequah? A He might have stayed a while with my brother Richard Glenn, in Tahlequah. I know he did.

Q When was that, about the time the roll of 1880 was taken? A I declare I am so forgetful, I don't know exactly.

Q Do you remember when the roll of 1880 was made? A Yes, I lived in Goingsnake District then.

Q You enrolled your children living at that time? A Yes.

Q Was John living with you then? A Yes sir, he was living with me then. The census takers missed me in '80, and my uncle then had them taken in here to the Council. You know there was a payment at that time and he had our names taken down to the Council.

Upon examination of the roll of 1880 for Tahlequah District the same shows that the witness' three children, Laura, John and Richard are enrolled thereon at page 765, No. 859, 860, 861.

Q How near to the line of Tahlequah District did you live from Goingsnake District, - right close up to Tahlequah? A Yes sir.

Q When you lived in Goingsnake, I mean? A About ten or fifteen miles over in Goingsnake, when I lived in Goingsnake.

Q Now you say that the census takers missed you in '80? A Yes, in '80.

Q Was it in '80 that they missed you? A I am so forgetful, I don't know what year it was, but I know it was somewhere in '80, I know they missed me.

Q That was when your children were little? A Yes sir.

Q And you were afterwards put on the roll by order of the Council?

A Yes sir.

Q Can you explain how it comes that your three children are enrolled in Tahlequah in 1880? A No sir, I don't hardly understand that.

Q Now, according to John's enrollment in '80 in Tahlequah District, he would be now about twenty-eight years old? A No, he isn't that old. My eldest child is not that old.

Q Was your husband living in 1880? A Yes sir.

Q What was his name? A James.

Q Was he a Cherokee? A No sir, he was a white man.

Q Richard was twenty-two years old three years ago? A Yes sir.

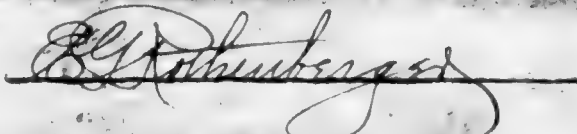
4-John Heron-

- Q Richard is younger than John? A Yes sir.  
Q How old did you say Richard was? A I call him twenty-three.  
Q You see he is on the roll of 1880 and that was made twenty-three years ago? A Yes sir, he was awfully small in the year '80.  
Q And you had a younger child than Richard in 1880 by the name of Edward? A Yes sir.  
Q And Richard must be older than you think he is? A I thought he was twenty-three his last birthday.  
Q It appears that Richard must be about twenty-five and John about twenty-seven, don't you think that is right? A The rolls there surely must be, but I wasn't counting it that way.  
Q Do you know any other Cherokee citizens by the name of Heron besides yourself? A Yes sir, they live up in Goshawks District, in Westville.  
Q Do they spell their name the same way you do? A I don't know whether they do or not. I think they do.

It is ordered that a copy of this testimony be filed and made a part of the record in the case of (Child) Herren, Cherokee B-5117.

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



Subscribed and sworn to before me this 14th day of May, 1905.

  
Notary Public.

File in Cherokee D-3116.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
ODELL, INDIAN TERRITORY, DECEMBER 2nd, 1903.

In the matter of the application for the enrollment of EDWARD  
(Child) HERRIN, as a citizen of the Cherokee Nation.

MATTIE C. HERRIN, being duly sworn, and examined by the  
Commission, testified as follows:

- Q Your name is Mattie C. Herren, is it not?  
A Yes, sir.  
Q What is your age and post office address?  
A 45 years old, post office is Odell.  
Q You are a citizen of the Cherokee Nation, are you not?  
A Yes, sir.  
Q Enrolled with you on the tribal roll of 1880 are some  
children--one child appearing as (Child) Herren, whose name you  
state was Edward and who is now dead, is that correct?  
A Yes, sir.  
Q Can you tell about when he died?  
A No, sir; I can't say exactly, but I think in December 1880  
or January 1881.  
Q About how old was he when he died?  
A About six months old.  
Q Did you have any other children enrolled with you in 1880 who  
are now dead?  
A No, sir.  
Q You have a son by the name of John, have you not?  
A Yes, sir.  
Q Have you ever heard from him since he left home?  
A No, sir; I never have. My son said he would advertise for him  
but I never did hear anything of him.

George W. Irwin, being first duly sworn, states that as  
stenographer to the Commission to the Five Civilized Tribes, he  
correctly recorded the testimony and proceedings in the above case  
and that the foregoing is a true and correct transcript of his  
stenographic notes thereof.

*George W. Irwin*

Subscribed and sworn to before me this 3rd. day of December, 1903

*Simon R. Wallingstick*  
Notary Public.

Department of the Interior  
 Commissioner to the Five Civilized Tribes  
 Cherokee Land Office  
 Tahlequah, I. T., October 18, 1905.

In the matter of the application for the enrollment of John Heron as a citizen by blood of the Cherokee Nation, No. D-3116.

ANNIE L. LANE, appearing in person before the Cherokee Land Office of the Commissioner to the Five Civilized Tribes, and being first duly sworn by Simon R. Walkingstick, a Notary Public, and examined, testified as follows:

- Q What is your name? A Annie L. Lane.  
 Q How old are you? A 40<sup>7</sup>/<sub>8</sub> old--was last April.  
 Q What is your postoffice address? A Proctor, I. T.  
 Q Are you a citizen by blood of the Cherokee Nation? A Yes sir  
 Q Do you know one John Heron whose age at the present time is about 30 years? A Yes sir, I know him.  
 Q How long have you known him? A Ever since he was a little child.  
 Q Do you know his mother? A Yes sir.  
 Q What is her name? A She goes by the name of Mat Heron.  
 Q Is she a Cherokee by blood? A Yes sir.  
 Q Do you know her father? A Yes sir, I did know him.  
 Q What is his name? A Jim Heron.  
 Q Is he living? A I don't know whether he is living or not, they separated and he left here.  
 Q Is he a Cherokee by blood? A No, he is a white man.  
 Q Is John Heron's mother, Mat Heron, a recognized citizen of the Cherokee Nation? A Yes sir, I think so.  
 Q Do you know where he is now? A He is in the penitentiary.  
 Q Where at? A Jefferson City.  
 Q Missouri? A Yes sir.  
 Q How do you know that? A Why, I know it from a letter I read from him that he wrote my son.  
 Q How long ago was that? A I guess about a month or maybe a little longer, as well as I remember.  
 Q You haven't got the letter with you? A No, it is at home.  
 Q What did he state, in substance, as you remember in this letter? A Well, I don't remember just what it was; he wrote to my son about how old he would a-been when he left here, that is my son, and he had been away from here about 12 years, I believe, I forget just what he wrote; anyway he wrote that he was coming home about Christmas.  
 Q Do you know the parents of Mat Heron, the mother of John Heron, about whom you are giving testimony? A Yes I know her name well, but I don't know his father.  
 Q What was the name of her mother? A Jane Foreman, they called her Jennie and she was a half sister to my mother.

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Q Is her mother living? A No sir.  
Q She was a Cherokee by blood, was she? A Mat's mother?  
Q Yes. A Yes sir, she was a Cherokee.  
Q What was the name of her father? A Mat's father?  
Q Yes. A A Glenn, she is a sister to Dick Glenn.  
Q Is he living? A Her father?  
Q Yes. A No sir.  
Q Is he a Cherokee by blood? A I couldn't tell you that.  
Q Is that Dick Glenn, that you spoke of, living? A Yes sir.  
Q He is a recognized Cherokee citizen, is he? A Yes sir.  
Q When did you last see John Heron? A It was some time before he left here, I couldn't tell you just how long, not quite 13 or 14 years, he was here at home with his mother the last time I saw him.  
Q What district did he always live in up to this time that he left your neighborhood? A He was here in Tahlequah district.  
Q Tahlequah, District, Cherokee Nation? A Yes sir.  
Q And from the time that he left, you didn't hear of him any more until your son got this letter that you spoke of a while ago?  
A Yes sir, I heard of him through his mother; she had heard from him and she had talked to me about finding out where he was at.  
Q About when was that that his mother was talking to you about hearing from him? A It was a month ago I guess, or maybe three months, a good bit back.  
Q And there is a lapse of about 13 or 14 years then as far as you know that you didn't hear of him, none of your people heard of him? A No sir, didn't know what become of him.  
Q About what age was he when you last saw him?  
A He was a good big boy, a way up, almost a young man; I don't know just exactly his age, I don't know.  
Q He was a recognized citizen by blood, wasn't he? A Yes sir.  
Q A Cherokee by blood? A Yes sir.  
Q About what proportion of Cherokee blood do you think he is?  
A I couldn't say, I don't know.  
Q Did Mat Heron have any other brothers besides this Dick?  
A Yes sir, she had a brother Jess, and a half brother, Columbus and another half brother but he is dead.  
Q Jess dead also? A Yes sir.  
Q About how long ago since he died? A I don't know how long ago it has been; he killed himself.  
Q In the last two years? A Yes sir, it aint been very long.  
Q How far was Mat Heron living from you when John, her son, was born? A She wasn't living here in the Nation when John was born, she was down near Ft. Smith.  
Q Wasn't living in this district you mean? A No sir, not in this district.

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Testimony of George W. Bengé.

GEORGE W. BENGÉ, appearing in person before the Cherokee Land office, and being first duly sworn by Simon R. Walkingstick, a Notary Public, and examined on behalf of the Commissioner, testified as follows:

- W
- Q What is your name? A George W. Bengé.
- Q What is your age? A Soon be 53.
- Q What is your postoffice address? A Tahlequah.
- Q Are you a recognized citizen of the Cherokee Nation by blood?
- A Yes sir.
- Q Do you know one John Heron whose age at the present time is about 30 years? A No sir.
- Q Have you had correspondence with one John Heron who claims to be a citizen of the Cherokee Nation? A Yes sir.
- Q Just go ahead and state what you know about him through that correspondence?
- A In the first place, some time during this last summer, I couldn't give the date, I have got the letter nevertheless at home, his mother, Mat Heron sent me a letter which was from him, addressed to her, inquiring about his rights as to how he was enrolled; his mother requested of me through another party that I look the matter up. This letter's post-mark, was from Missouri State Penitentiary at Jefferson City with his penitentiary number. I then, in order to get some facts in the case, wrote him and I received in reply a letter signed by John Heron giving these certain facts about him as to who his mother was and in the letter he requested that I see after his landed interests. I wrote to him again that it was necessary that he give some one power of attorney to file for him should he be straightened out on the roll. I sent him a blank power of attorney I procured here at this office with the request that he sign that power of attorney over to anyone he wished to do that work for him. I received the power assigning over to me the right to make his selection for him of the land of the Cherokee Nation, signed by him, properly attested to by a Notary Public, which power I have this day filed with clerk, Mr. Pitts to be filed with his papers in the records of this office.
- I might state further that a month ago while at Muskogee I talked with Mr. Rosson and Mr. Bruce C. Jones relative to this matter who requested me to bring what testimony I could find, most especially that of his mother, into Mr. Walkingstick, at this office and for the purpose of taking her testimony in his interest. At that time while at Muskogee, Mr. Jones, as well as Mr. Rosson read the letter I have in my possession that I have alluded to. I know Mat Heron, said to be his mother, who is a recognized Cherokee citizen.
- That is about all.

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James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true and correct transcript of his stenographic notes thereof.

James B. Myers.

Subscribed and sworn to before me this 19th day of October,  
A. D., 1906.

William P. Allen  
Notary Public.

JEM

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
CHEROKEE LAND OFFICE.

Tahlequah, I. T., November 6, 1905.

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In the matter of the application for the enrollment of John Heron as a citizen of the Cherokee Nation.

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MATTIE C. HERON, appearing in person before the Cherokee Land Office, of the Commissioner to the Five Civilized Tribes, and being first duly sworn by Simon R. Walkingstick, a Notary Public, and examined, testified as follows:---

- Q What is your name? A Mattie C. Heron.  
Q What is your age? A I was born March, 1858.  
Q What is your post-office address? A Proctor.  
Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.  
Q Do you know one John Heron, whose age at the present time is about 30 years? A Yes, sir.  
Q Is he any relation of yours? A He is my son.  
Q Are you a Cherokee by blood? A Yes, sir.  
Q And recognized as a citizen of the Cherokee Nation? A Yes, sir.  
Q Where is your son, John Heron? A At the present time, he is in Jefferson City, Missouri.  
Q How do you know that? A By mail.  
Q Have you been receiving letters from him? A Yes, sir.  
Q From what place-- Jefferson City, Missouri? A Yes, sir.  
Q Have you any of those letters with you? A I did not think it was necessary to bring them.  
Q How long has he been out of the Cherokee Nation? A Well, I really can't tell that just positively. It seems to me it has been eight or nine years, I don't know exactly. I am forgetful in years.  
Q Was he here when the 1896 census roll was made? A Yes, sir; he was here then.  
Q How long after that was it when he left? A He left in July, but I do not remember exactly what year. It was in July after the census was taken.  
Q About what is the age of your son, John? A He is about 29, or soon will be; in March he will be 29.  
Q Was he recognized by Cherokee authorities as a citizen of the Cherokee Nation up to the time he left that you speak of? A Yes, sir.  
Q He lived with you all the time, did he? A No, sir, not all the time; he stayed here in Tahlequah part of the time.  
Q He had always lived in Tahlequah District, Cherokee Nation, had he, up to that time? A Yes, sir.  
Q About what proportion of Cherokee blood do you think he is? A He is about one-eighth, I guess.



- Q What is the name of his father? A James Heron.  
Q Was he a Cherokee by blood? A No, sir; he was a white man.  
Q Has your son John any property in the Cherokee Nation that you know of? A No, sir, none that I know of.  
Q Do you know whether or not he considers the Cherokee Nation as his home? A Yes, sir; he considers it his home.  
Q Does he ever state in any of his letters that he expects to return to the Cherokee Nation? A Yes, sir; he says he is coming home in December.  
Q You have always lived in the Cherokee Nation, have you? A Yes, sir; I have been away a year or two, but this has always been my home.  
Q When did you last see him? A It was the year that he left.  
Q The year after the census was taken that you speak of? A Yes, sir; when he left from home.  
Q Do you know where he went when he left that time? A It was in Missouri, but I do not remember exactly what part of Missouri.  
Q As far as you know, he has been out of the Cherokee Nation continuously since that time, has he? A Yes, sir; as far as I know, he has.

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James B. Myers, being first duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me, this 7th day of November, 1905.

Simon C. Wallingstick

Notary Public.

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DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED  
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COMMISSIONER

RECEIVED  
JAN 12 1906

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JANUARY 8, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JOHN HERON as a citizen by blood of the Cherokee Nation.

JOHN HERRAN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A John Herran.  
Q How do you spell your surname? A J-o-h-n H-e-r-r-a-n.  
Q How old are you? A I will be 28 or 29 years old the 23rd day of march.  
Q What is your post office? A Proctor is my post office now.  
Q In what District do you live? A It is in Tahlequah District I believe.  
Q Are you a Cherokee by blood? A Yes sir.  
Q What is the name of your father? A Herran.  
Q His full name? A Jim Herran.  
Q Is he living? A If he is I don't know, I couldn't swear to that.  
Q Was he a Cherokee by blood? A No sir, my mother.  
Q What is the name of your mother? A Glenn before she was married.  
Q Her full name, present name? A Mattie C. Herran.  
Q She is living is she? A Yes sir, living close to Proctor.  
Q You claim your right to enrollment through your mother? A Yes sir.  
Q Where were you born? A I couldn't tell you, I was born in Arkansas some place, I couldn't tell you whereabouts.  
Q Where were you living when you were old enough to remember? A Goingsnake District.  
Q In the Cherokee nation? A Yes sir.  
Q Were you raised in Goingsnake District? A Until I was about 13 I guess, then we moved to Tahlequah and lived there most of the rest of the time.  
Q Up until the time you were 13 years old how long had you lived in the Cherokee nation? A Lived in the Cherokee nation until ----  
Q How long before that? A I couldn't tell you exactly, never heard mother say, but I have lived in the Cherokee Nation ever since I could remember.  
Q When you moved to Tahlequah how long did you continue to live there? A Lived there about 10 or 15 years.  
Q Was your mother lived at Tahlequah all the time since she moved there when you were about 13 years old? A Yes sir, until she taken us back up there on Harren Fork.  
Q That is where your present home is? A Yes sir.  
Q When did you first leave the Cherokee nation, what year? A '98.  
Q 1898? A Yes sir, 1898.  
Q Where did you go? A Pretty nearly all over the United States.  
Q What were you doing? A Working a little first one place and then another, I was cooking.  
Q What time of the year in 1898 was it you left? A It was in the spring.  
Q Where were you living when you left? A Up on Harren Fork.  
Q In the Cherokee nation? A Yes sir.  
Q Prior to 1898 when you left that time had you ever gone out of the Cherokee nation to stay? A No sir.

- Q Had you ever been out of the Cherokee Nation for any length of time prior to that time? A No sir, I hadn't.
- Q Where did you first go when you left the Cherokee Nation in 1898? A Went to Texas and from there to Arkansas.
- Q How long did you stay in Texas? A Stayed there no more than, well back and forth on the railroads begging around about 6 months, never stopped at no certain place.
- Q Then you went to Arkansas? A Yes sir, and never stayed there long, around first one place and then another, just begging around.
- Q Have you since 1898 been back to the Cherokee Nation until right recently? A Yes sir, come through here, never stopped very long, I have worked here in the Rogers Hotel since then, right across the railroad over here.
- Q When was that? A It was in '99, I worked there, worked there about six months.
- Q That is here in Muskogee is it? A Yes sir.
- Q Is that the only time that you have worked in the Indian Territory since you left in 1898? A I worked a little while with some race horses, but not very long, over there close to Tahlequah, and then I went from there to Vinita and I quit him at Vinita, guess I was 6 months with him. I have been through here, went through on the P. G. and come back on the Katy, come through on the Iron Mountain to wagoner and took the Katy at wagoner, and then went from there to Frisco, California and then come from there to New Mexico and to Old Mexico, and to Arizona, Colorado, and to Kansas and I ~~been~~ done time in Missouri, just got out the 13th of last month and come straight home from there.
- Q In what prison were you? A Penitentiary at Jefferson City.
- Q When were you sent to Prison? A 1903 I believe, yes I know it was, the 14th of June and I got out the 13th of December.
- Q This last December? A This last December.
- Q Was that the only time that you have been in Jail any where? A Well if I don't have to tell it I don't like to.
- Q We want to find out where you were in order to get your citizenship straightened up? A I done 15 months in Arizona, done time there and hadn't been out a year until I fell in Missouri.
- Q Do you know the date that you were placed in prison in Arizona? A 1901 I believe it was but I couldn't tell the exact date, I stayed a year and 15 days and ~~came~~ got out of there on May 21, 1902.
- Q Now from May, 1902, up until the time you were sentenced to prison in Missouri ~~and~~ where did you stay? A Never stayed no place to amount to anything, come from there over to New Mexico, went to California first, then back to New Mexico and then from there to Colorado, but never stopped in Colorado very long and ~~come~~ come to Kansas and from Kansas back into Missouri.
- Q Now prior to the time that you were placed in prison in Arizona where had you been? A Well I was in California awhile, and old Mexico awhile, Oregon and Canada, went through Canada into Oregon, couldn't tell you exactly where I had been before that.
- Q Did you work at any one place for any considerable length of time? A No sir, I didn't.
- Q Have you since you left the Cherokee Nation in 1898 been in the Nation except the one time you spoke about when you were working with the man who owned some race horses? A Well I was in the Cherokee Nation with the race horses out from Tahlequah, south from Tahlequah.
- Q You stated that you were in the Cherokee Nation about 6 months then? A Yes sir.

- Q You were just going from place to place with the man who owned the horses? A Well we broke the horses in over there, the young horses, I was riding for a young horse, I broke it and worked on his farm quite a little, and when we left there we went to Vinita to a fair and I didn't stay very long in Vinita. Yes I did stay there about 6 months, worked in a Hotel there, in a frame hotel, got a brick building there now, but couldn't tell the people's name that I worked for.
- Q You think you were in the Cherokee Nation about 6 months all together that time? A Yes sir.
- Q What year was that? A '99.
- Q Now since 1899 have you ever been back to the Cherokee Nation at all more than to pass through until you returned just after being released on last December 13? A No sir, only just passing through never worked there.
- Q Then the only time that you stayed in the Cherokee Nation since you left in the spring of 1898 is the 6 months you spent with the race horse man? A Yes sir, I haven't been in the territory to stay, I have been through it but never worked in it.
- Q And the only time that you stayed in the Indian Territory is that 6 months and the 6 months you worked in Muskogee? A Yes sir.
- Q What year was that that you worked in Muskogee? A Part of it was '99 and 1900.
- Q Did you ever own any property in the Cherokee Nation? A Nothing only my strip money, went into a place there my mother had, the wanus place up there on Barron Fork, my strip money helped buy it.
- Q Who allotted the land? A My mother Mattie C. Herran.
- Q Is there only one allotment in the place? A Well mother has part of it and I don't know which one of my sisters has two sisters, owns a little of it, her name is Mary Green now.
- Q Has all of the land been allotted? A Yes sir.
- Q Have you ever owned any property in the Cherokee Nation besides that? A No sir.
- Q Did you make any disposition of your interest in that place when you lived in the Cherokee Nation? A Well I couldn't say that I did, only what my mother had, is all, my mother made a living on it.
- Q You just went away and left the place? A Just went away and left it to her.
- Q She lived on it? A Yes sir.
- Q Since that time you have never owned any property in the Cherokee Nation at all? A No sir, I haven't.
- Q And you have never controlled any property have you in the Cherokee Nation? A No sir, I wasn't of age then.
- Q Have you ever been married? A No sir.
- Q Have you ever kept house anywhere? A No sir.
- Q Have you ever voted anywhere? A No sir.
- Q Have you any brothers and sisters? A I have.
- Q Give their names? A Their full ones.
- Q Yes? A Well Laura.
- Q Her present name? A Laura Green, Richard Herran, and my half sister, the oldest one was Mary Harlin, is Mary Green now.
- Q Is that all? A Then I have got Nannie Sherley and Mattie Sherley.
- Q Are all of those children by your mother? A Yes sir.
- Q Is there any statement that you desire to make in connection with your enrollment? A Well I don't know, I don't know what you want me to give in.

- Q Is there any statement that you desire to make as to why you have left the Cherokee nation? A In because I fell out with my mother is all. When my mother drawed my strip money, she wouldn't give me any of it but went and paid it in that farm and I went to work for a man putting in a farm and when it come to me getting my pay she had drawed it all and I couldn't get nothing out of it, not even enough to buy me a pair of shoes, and that is why I left. I didn't leave here to stay I meant to come back and make it my home and I was intending to work at one place long enough to get money to come back and get me a farm of my own. I heard that the Territory was coming into allotment, and I started back here and got in Missouri and fell in bad luck and got ditched and couldn't get away then.
- Q Have you ever been in prison more than the two times? A No sir.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lessley*

Subscribed and sworn to before me this 11th day of January, 1906.

*Myron White*

Notary Public.

C7B

Cherokee D 3116

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

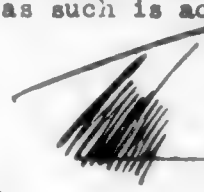
In the matter of the application for the enrollment  
of John Herran as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of John Herran (Heron) as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, May 9, 1903, at Odell, Indian Territory, December 2, 1903, at Tahlequah, Indian Territory, October 18 and November 6, 1905, and at Muskogee, Indian Territory, January 8, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, John Herran, who is identified on the Cherokee authenticated tribal roll of 1880 as a Cherokee by blood, is about twenty-nine years of age, and from 1880 until May, 1898, continuously resided in the Cherokee Nation; that since 1898 he has lived most of the time at various places outside the Cherokee Nation, but it is considered that his absence from said Nation has not been of such a nature as to forfeit his right to Cherokee citizenship. Said applicant is also identified on the Cherokee Strip payment roll of 1894 and the Cherokee census roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), John Herran is entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

  
\_\_\_\_\_  
Commissioner

Dated at Muskogee, Indian Territory.  
this     JUN 22 1906





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1855

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to have a good deal of  
information for a man  
to get at the bottom of  
the matter and to be  
able to give an account  
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a good deal of information  
for a man to get at  
the bottom of the matter  
and to be able to give  
an account of it.

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COPY.

Muskogee, Indian Territory, October 11, 1905

Warden Missouri state Penitentiary,  
Jefferson City, Missouri.

Dear Sir:

Application was made to the Commission to the Five Civilized Tribes for the enrollment as a citizen of the Cherokee Nation, of one John Heron (Herran), concerning whom no information has been obtained. This office is advised that one John Herran is at present confined in the Missouri State penitentiary, and that said person is the one who is listed for enrollment.

You are requested to advise this office what the prison record of John Herran shows with reference to his nationality, his parentage and his age. You are also requested to advise the length of time John Herran has been confined in the penitentiary and whether he has been confined more than one term, and if so, the date of his incarceration and the date of his release.

Please give this matter your earliest practicable attention.

Respectfully,

SIGNED:

Tenne Eixby.

-COPY-

Missouri State Penitentiary

Warden's Office.

City of Jefferson City.

October 13, 1905.

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

Dear Sir:

Beg leave to acknowledge receipt of your favor of the 11th inst. in which you state that application has been made to the Commission of the Five Civilized Tribes for the enrollment as a citizen of the Cherokee Nation of one John Herran. You state that you are advised that said John Herran is at present confined in the Missouri State Penitentiary and you request advise from this institution regarding his prison record. In reply beg leave to advise you that said John Herran was received at this institution on the 22d day of June, 1904, from Johnson County, Mo., to serve a term of two years from the 14th day of June, 1904, upon a charge of Larceny from Dwelling. When this man was dressed in he gave his age as 19 years; his nativity as Indian Territory; and stated that he had no parents and was not married. If this man has served time in any other penitentiary it is not known by the officials here and his present confinement is his first term in this institution.

Hoping that the information which I give you will be satisfactory and assuring you that I will give you any further information that lies in my power, I am,

Yours very truly,

(Signed) Matt W. Hall.  
Warden.

(Signed) Dudley.

Cherokee D-3116.

Muskogee, Indian Territory, November 11, 1905.

Wattie C. Herran,

Proctor, Indian Territory.

Dear Madam:

It is noted in your testimony given before the Cherokee Land Office on November 6, 1905, that you stated your son, John Herran, expects to return to the Cherokee nation from Jefferson City, Missouri, in December of the present year, and you are requested to have him appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at the very earliest practicable date after his return to said Nation in order that his testimony may be taken in connection with the application made to the Commission to the Five Civilized Tribes for his enrollment as a citizen of the Cherokee Nation.

Respectfully,

LS

Commissioner.



Muskogee, Indian Territory, January 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, making the enrollment of Samuel Wheeler on the Shawnee Register a part of the record in the matter of the application for his enrollment as a citizen by adoption of the Cherokee Nation.

There is also inclosed herewith a copy of an order of the Commissioner, dated January 15, 1906, making the enrollment of Jim Wolfe on the Wallace roll off Shawnee citizens of the Cherokee Nation a part of the record in the matter of the application for his enrollment as a citizen of the Cherokee Nation of Shawnee blood.

There is also inclosed a copy of supplemental proceedings of January 8, 1906, in the matter of the application for the enrollment of John Herran as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. 61-31.  
GHL

Commissioner.

Cherokee D. 3116.

COPY.

Muskogee, Indian Territory, June 22, 1906.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 22, 1906, granting the application for the enrollment as a citizen by blood of the Cherokee Nation, of John Herran.

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

Respectfully,

SIGNED) *Tame Dixby.*  
Commissioner.

Incl. C-47.  
LNC

Cherokee D.  
8116

COPY.

Muskogee, Indian Territory, July 12, 1906.

J. L. Haner,  
Attorney for John Herran,  
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated June 22, 1906, granting the application for the enrollment of John Herran as a citizen by blood of the Cherokee Nation.

Respectfully,

~~James Dixey~~  
*James Dixey*

Commissioner.

Incl.P-26  
MMP

Cherokee D.  
3116

COPY.

Muskogee, Indian Territory, July 12, 1906.

John Herran,  
c/o J. A. Story,  
Tahlequah, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated June 22, 1906, granting the application for your enrollment as a citizen by blood of the Cherokee Nation.

You are 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, to which action you will be duly notified.

Respectfully,

*Tame Dixby.*  
Commissioner.

Incl.P-25  
MCP

To A.

I have reached some you  
for inspection.

See Ches Card D-3116.

I presume you will want to  
fill the suit discrepancy  
word

—  
S.M.

216

1871

1871

1871

Cher 10975

James Harris

Trans. from D3160

Cher 10975

①  
CHB

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----:-----

In the matter of the application for the enrollment of  
JAMES HARRIS  
as a citizen by blood of the Cherokee Nation.

-----

CHEROKEE D 3160



NOVELA MORTO.

Subscribed and sworn to before me this 24th day of September, 1908.

On this 24th day of September, 1908, I, the undersigned, being duly sworn, depose that the foregoing is a true and correct copy of the original of the certificate of the coroner and coroner's jury in this case, and that the foregoing is the certification to the five divisions thereof, as required by the undersigned, to the five divisions of the coroner's office.

and the name of said child will be given you a copy of the enrollment of his father, child, James Harris, will be furnished first judgment as to the disposition of James Harris for the the George Harris.

1908

43160

Q Have you always lived in the George Harris? A Yes sir, born  
Q Did you ever see and introduced her as your wife? A No sir.  
Q When the time that she was living there with your mother and  
Q You never recognized the child as being in your house?  
Q She claimed to be your child? A Yes sir.  
Q Did you see it was? A I don't see it was. I had a chance to  
Q Did you state to six or a staff of your child? A I told  
Q Did you ever recognize it? A Yes sir.  
Q Had you ever seen it? A I never denied it.  
Q When the child was born?  
Q How long after the child was born?  
Q Who is the mother of this child now? A My aunt here now.  
Q In 1888, George Harris, No. 280, and on the same  
Q The applicant himself is identified on the certificate for the

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., August 30, 1902.

In the matter of the application of Thomas Harris for the enrollment of James Harris as a citizen by blood of the Cherokee Nation; said Harris being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Thomas Harris.  
Q How old are you? A Twenty-four.  
Q What is your postoffice address? A Muskogee.  
Q For whom do you make application for enrollment as a citizen of the Cherokee Nation? A James Harris.  
Q How old is this child? A Six years old.  
Q What is its father's name? A Thomas Harris.  
Q Are you the father of the child? A I am supposed to be.  
Q Who is the mother of the child? A Grace Hannan.  
Q You are a Cherokee by blood are you? A Yes sir.  
Q So recognized? A Yes sir.  
Q Is this child's mother a Cherokee or white woman? A White woman.  
Q Is the child's mother living? A Yes sir.  
Q Where was this child born? A Born in the Cherokee Nation, Canadian District.  
Q Have you in any manner recognized this child as your own? A Yes sir.  
Q How? A I don't know how, I never did deny it.  
Q You claim it as your own child? A Yes sir.  
Q Were you ever married to its mother? A No, I never was married to its mother but still I have a right to believe it is mine.  
Q Did you ever contribute anything to the support of this child?  
A I have.  
Q Where is this child's mother now? A I don't know.  
Q Where is the child? A Right here.(indicating.)  
Q Who is the child living with? A My aunt.  
Q What is her name? A Savannah McMakin.  
Q What is her postoffice address? A Muskogee.  
Q How often have you seen this child since its birth? A I haven't seen it more than a dozen times, I don't reckon.  
Q Don't you know anything about the whereabouts of this child's mother? A No sir, I don't.  
Q Did she ever have any children before this child was born? A Not that I know of.  
Q Has she had any since? A Not that I know of.  
Q Is she a married woman now? A I don't think, she wasn't when she left.  
Q How long has she been gone? A About a year ago.  
Q Did you ever live with her? A No, I never lived with her; I stayed with her about two years, I kept her for that long.  
Q Where did you keep her? A She was staying at my mother's when I was keeping her.  
Q Did you recognize her as your wife? A No.  
Q Did you contribute anything to her support? A After the child was born I did.  
Q Where was the child born, at your mother's? A No, she stayed with my mother and then left. Until after the child was born she was staying with Nelly Reese.  
Q How long before the birth of this child did she leave your mother? A It must have been about six months.  
Q Did you ever see her after that time up until the child was born?  
A Yes sir.  
Q Did you ever have any other child by her? A No sir, just the one.  
Q Have you ever applied to the tribal authorities of the Cherokee Nation to have this child enrolled? A Never before.

2-Thomas Harris-

The applicant himself is identified on the authenticated roll of 1880 in Canadian District opposite No. 583, and on the census roll of 1896, Canadian District, page 35, No. 960.

Q Who is supporting this child now? A My aunt here now.

Q Now as a matter of fact have you ever contributed one cent toward the support of this child? A Yes sir.

Q When? A After it was born.

Q How long? A About four years ago.

Q How long did you continue to support the child? A About a year or more.

Q How much did you pay its mother or the guardian of the child?

A About five or ten dollars during that whole time.

Then afterwards she left and came out of the Cherokee Nation and came to the Creek Nation and I never saw her anymore.

Q Had you ever prior to this time recognized this child as your own? A Yes sir, I never denied it.

Q Did you ever recognize it? A Yes sir.

Q Did you state to anybody that it was your child? A I told them I had a chance to be.

Q Did you say it was? A I didn't say it was, I had a chance to be.

Q She claimed it is your child? A Yes sir.

Q You never recognized the child's mother in any manner as your wife? A No sir.

Q During the time that she was living there with your mother did you recognize her and introduce her as your wife? A No sir.

Q Have you always lived in the Cherokee Nation? A Yes sir, born and raised there.

Q Been living here continuously since your birth? A Yes sir, in the Cherokee Nation.

Final judgment as to the application of Thomas Harris for the enrollment of his alleged child, James Harris, will be suspended and the name of said child will be placed upon a doubtful card.

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.

*E. A. Rothberger*

Subscribed and sworn to before me this 2nd day of September, 1902.

*B. C. Jones*  
Notary Public.

~~103160~~  
103160

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
AUG 30 1902

  
ACTING CHAIRMAN

# CHEROKEES BY BLOOD AND ADOPTION.

Date Aug 30, 1909 1909

Name .....

District .. Year .. Page .. No ..

Citizen by blood .. Mother's citizenship ..

Intermarried citizen ..

Married under what law .. Date of marriage ..

License .. Certificate ..

Wife's name ..

District .. Year .. Page .. No ..

Citizen by blood .. Mother's citizenship ..

Intermarried citizen ..

Married under what law .. Date of marriage ..

License .. Certificate ..

Names of Children:

<u>John Harris</u>	Dist. ....	Year .....	Page .....	No. ....	Age .....	<u>6</u>
	Dist. ....	Year .....	Page .....	No. ....	Age .....	
	Dist. ....	Year .....	Page .....	No. ....	Age .....	
	Dist. ....	Year .....	Page .....	No. ....	Age .....	
	Dist. ....	Year .....	Page .....	No. ....	Age .....	
	Dist. ....	Year .....	Page .....	No. ....	Age .....	
	Dist. ....	Year .....	Page .....	No. ....	Age .....	
	Dist. ....	Year .....	Page .....	No. ....	Age .....	
	Dist. ....	Year .....	Page .....	No. ....	Age .....	
	Dist. ....	Year .....	Page .....	No. ....	Age .....	

Thomas Harris - b.c.  
Grace Harman - b.w.

*[Large handwritten signature/initials across the bottom of the table]*

.. CA. 3160

IN RE

Application for Enrollment of  
INFANT CHILD

*James Harris*  
as a citizen of

*Cherokee* Nation

Approved *[Signature]* APR 11 1905 190

*[Signature]*  
Commissioner.

*Appln for enrollment 5/30/02*  
*Listed " " 8/30/02*

**FILED**  
APR 11 1905  
COMMISSION TO FIVE TRIBES.

APR 8 1905

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of James Harrison (Here insert name of child.) born on the 19 day of June, 1895  
Name of Father: Thomas Harris a citizen of the Cherokee Nation.  
Name of Mother: Grace Hannon a citizen of the United States Nation.  
Postoffice Mustogee, Ok

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Grace Cummings, nee Hannon on oath state that I am 27  
years of age and a citizen by blood of the United States Nation;  
Common that I ~~was~~ the lawful wife of Thomas Harris who is a citizen, by  
blood of the Cherokee Nation; that a male child was  
born to me on 19 day of June, 1895; that said child has been named  
James Harris, and is now living.

WITNESSES TO MARK:

Wm Gilman  
Goet Hildebrand

Subscribed and sworn to before me this 8 day of April, 1905  
T. R. Palmer  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Nellie Harris Midwife, on oath state that I  
attended on Mrs. Grace Hannon single woman  
on the 19 day of June, 1895; that there was born to her on said date a male  
child; that said child is now living and is said to have been named James Harris

WITNESSES TO MARK:

T. R. Palmer  
J. B. Daws

Subscribed and sworn to before me this 8th day of April, 1905

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

*[Handwritten signature]*

COMMISSIONER



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., FEBRUARY 8, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JAMES HARRIS as a citizen by blood of the Cherokee Nation.

APPEARANCES:

For Applicant, Mother of applicant appears in person.  
For Cherokee Nation, J. S. Davenport appears on behalf of  
W. W. Hastings.

GRACIE CUMMINGS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Gracie Cummings.  
Q How old are you? A I am 30.  
Q What is your post office? A Muskogee.  
Q Are you a citizen of the Cherokee Nation? A No sir, I am not.  
Q You are a white woman? A Yes sir.  
Q Have you a child? A Yes sir.  
Q What is the child's name? A James Harris.  
Q There has been filed by you an affidavit as to the birth on June 19, 1895, of your child James Harris, is that the correct date of his birth? A Yes sir.  
Q What is the name of his father? A Tom Harris.  
Q Is he a citizen of the Cherokee Nation? A Yes sir.  
Q Is he a Cherokee by blood? A Yes sir.  
Q His full name is Thomas Harris, is it? A Yes sir.  
Q Is he living? A Yes sir.  
Q Is your child, James Harris, living? A Yes sir.  
Q With whom does it live? A With me.  
Q Has the child lived with you all of its life? A Yes sir.  
Q Were you and Thomas Harris married? A No sir.  
Q Did you live together as husband and wife? A No sir.  
Q Whereabouts was this child born? A He was born out here in the country about 8 or 9 miles.  
Q In the Cherokee Nation? A Yes sir.  
Q At whose house? A At Nellie Reese's.  
Q Is she related to you? A No sir.  
Q Is she related to Thomas Harris? A No sir, I don't think she is, I don't know.  
Q Was there any pretense of a marriage ceremony between you and Thomas Harris? A No sir.  
Q Has Thomas Harris recognized this child, James Harris, as his child? A Yes sir, he swore to that.  
Q Has he ever contributed anything toward the support of the child? A No sir, he never has.  
Q Has he ever seen the child? A Yes sir.  
Q Were you ever married before this child was born? A No sir.  
Q Was Thomas Harris ever married before that? A No sir.  
Q How long had you known Thomas Harris when this child was born? A I had known him might near all my life.  
Q Did you and he live in the same vicinity? A We lived in the same house, I stayed with his mother.

- Q How long had you been living with his mother before the child was born? A I don't know just how long, I lived with her when I was a child you might say, and then I went back again.
- Q How old were you when you went back? A I don't know just how old.
- Q Were you grown? A Yes sir, I was grown.
- Q And how long had you been living with her after you went back before the child was born? A About, I don't know, about two years I guess, I don't know just how long.
- Q Within a year prior to the birth of your child, James Harris, had you had any relations with any other man? A No sir.
- Q Has this child James Harris always been recognized as the son of Thomas Harris? A Yes sir.

BY MR. DAVENPORT:

- Q The child is living with you now? A Yes sir.
- Q Has it ever lived with Thomas Harris who claims to be his father? A No sir.
- Q How far do you live from Thomas Harris now? A I live here in town and he lives here in the country about 8 miles.
- Q You have married since the birth of this child? A Yes sir.
- Q Has he married? A Yes sir.
- Q You are sure Thomas Harris wasn't married at the time this child was born? A No sir.
- Q And hadn't been married prior to that time? A No sir.
- Q You were about how old when the child was born? A I guess I was about 17.

W I T N E S S E X C U S E D .

T. B. MCDANIEL, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A T. B. McDaniel.
- Q How old are you? A 66.
- Q What is your post office? A Muskogee.
- Q Are you a citizen of the Cherokee Nation? A I am a white man, I am supposed to be a citizen, I have been here 40 years.
- Q Do you know the witness, Gracie Cummings? A Yes sir.
- Q Do you know her child? A Yes sir.
- Q What is its name? A James Harris.
- Q Do you know the name of the father of the child? A I know the man that is said to be the father of the child.
- Q What is his name? A They call him Solol Harris, I don't know how he signs his name?
- Q Do you know the name of his father? A Yes sir.
- Q What is it? A Filo Harris, they usually called dim Doc Harris.
- Q Is this child James Harris recognized as the child of Thomas or Solol Harris? A Yes sir, that is my understanding about it.

BY MR. DAVENPORT:

- Q It is understood in the neighborhood that Thomas Harris is the father of this child? A Yes sir.

- Q Thomas Harris and Gracie Cummings were never married so far as you know? A No sir.  
Q And never lived together as man and wife? A No sir.

WITNESS EXCUSED.

Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

*Geo. H. Lesley*

Subscribed and sworn to before me this 8th day of February, 1906.

*Myron White*  
Notary Public!

OTB

Cherokee D 3160

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Harris as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That on August 30, 1902, at Muskogee, Indian Territory, Thomas Harris appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his minor child, James Harris, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 8, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That James Harris, the applicant herein, is the illegitimate child of the said Thomas Harris, a citizen by blood of the Cherokee Nation, and one Gracie Cummings, a non-citizen white woman. The said Thomas Harris is identified on the authenticated Cherokee tribal roll of 1880, and the Cherokee census roll of 1896, and his name is included in a partial roll of citizens of the Cherokee Nation approved by the Secretary of the Interior December 23, 1902, opposite No. 17123.

The evidence further shows that the said James Harris was born in the Cherokee Nation and has continuously resided within the domain of the Five Civilized Tribes since birth.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of section Twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), James Harris is entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

  
\_\_\_\_\_  
Commissioner

Dated at Muskogee, Indian Territory.

JUN 29 1906

COPY.

Cherokee D-3160.

Muskogee, Indian Territory, February 27, 1905.

Thomas Harris,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of your child, James Harris, as a citizen of the Cherokee Nation, it will be necessary for you to furnish this Commission with proof of birth of said child, and for this purpose there is enclosed you herewith a blank proof of birth which you are requested to fill out and return to this Commission at the earliest possible date.

An envelope for reply is enclosed herewith.

Respectfully,

Enc. BC & Env.

(SIGNED)

*James Bixby*  
Commissioner in Charge.

COPY.

Cherokee D-3160.

Muskogee, Indian Territory, April 11, 1905.

Thomas Harris,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of affidavit executed on April 8, 1905, showing the birth, on June 19, 1895, of James Harris to yourself and Gracie Hammon. Same being in due form will be filed with and made a part of the record in this case.

Respectfully,

(SIGNED). *T. B. Needles.*  
Commissioner in Charge.

Cherokee D-3160.

Muskogee, Indian Territory, January 16, 1906.

Neal & London,

Fort Smith, Arkansas.

Gentlemen:

This office is in receipt of your letter of January 10, asking to be advised if James Harris is enrolled as a Cherokee by blood.

In reply, you are advised that on August 30, 1902, Thomas Harris appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his child, James Harries, aged at that time, six years, as a citizen by blood of the Cherokee Nation. The right to enrollment of this child has not been determined, and in order that his right to enrollment may be properly determined, it will be necessary that further testimony be introduced as to his parentage, and whether or not his parents were recognized citizens of the Cherokee Nation.

Respectfully,

LS

Commissioner.

Cherokee  
D 160.

Muskogee, Indian Territory, February 2, 1906.

Thomas Harris,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that before the right to enrollment of your alleged child, James Harris, for whose enrollment as a citizen of the Cherokee Nation you applied on August 30, 1902, can be determined, it will be necessary that further testimony be introduced as to his parentage.

You are, therefore, notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, February 8, 1906, and introduce testimony as above indicated.

Respectfully,

(LS)  
GHL.

Acting Commissioner.



Cherokee  
D 3160.

Muskogee, Indian Territory, February 2, 1906.

Grace Cummings,

Muskogee, Indian Territory.

Dear Madam:

Application has heretofore been made to the Commission to the Five Civilized Tribes for the enrollment of your child, James Harris, born June 19, 1895, as a citizen by blood of the Cherokee Nation. You are advised that before the right of your child to enrollment as a citizen of the Cherokee nation can be determined it will be necessary that further testimony be introduced as to who his father is and as to his citizenship in the Cherokee Nation.

You are, therefore, notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, February 8, 1906, and introduce testimony as above indicated.

Respectfully,

(LS)  
GHL.

Acting Commissioner.

Cherokee  
D 3160.

Muskogee, Indian Territory, February 9, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken in the matter of the application for the enrollment of James Harris as a citizen by blood of the Cherokee Nation at Muskogee, Indian Territory, on February 8, 1906.

Respectfully,

Incl. GL-15.  
GHL

Acting Commissioner.

Cherokee D.-3160

COPY

Muskogee, Indian Territory, June 29, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 29, 1906, granting the application for enrollment of James Harris, as a citizen by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire against the action of the Commissioner in this case, a copy of which you will be required to furnish Thomas Harris, Muskogee, Indian Territory, father of said applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. H.J.-151.  
H.J.C.

SIGNED: *James Bixby*  
Commissioner.

Cherokee D. 5160

Muskogee, Indian Territory, July 31, 1906.

Thomas Harris,  
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 29, 1906, granting the application for the enrollment of your child, James H Harris, as a citizen by blood of the Cherokee Nation.

You are advised that you will not be allowed to make an allotment selection for the said child until his name has been placed upon a schedule of citizen by blood of the Cherokee Nation, and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Encl. H.J.-100.  
H.J.C.

Commissioner.

Register.

Cherokee D. 3160

Muskogee, Indian Territory, July 21, 1906.

Grace Cummings,

202 East Okmulgee Avenue,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on June 29, 1906, the Commissioner to the Five Civilized Tribes rendered his decision granting the application for the enrollment of your child, Thomas Harris, as a citizen by blood of the Cherokee Nation. You are advised that until the name of your child shall have been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior no application for the selection of its allotment in the Cherokee Nation will be received.

Respectfully,

H. J. C.

Commissioner.

160

Com

to Mr. James Harris

# 78 - wobby.

Cher 10976

Nancy Bigknife

Cher 10976

In the matter of the application of Nancy Bigknife, a Shawnee woman, for an act of Congress directing the Commission to the Five Civilized Tribes, to enroll her as a Cherokee Citizen.

Indian Territory,

Northern District----SS:

Nancy Bigknife, being duly sworn upon her oath deposes and says that she is a Shawnee woman--full blood and 60 years of age--or nearly that age. That her Indian name is Sta-kum-oo or Seda-cum-se.

That she was born in Johnson County, Kansas, and moved with the Shawnee Tribe of Indians to the Cherokee Nation, in the Indian Territory, in the year 1872.

That she lived in the Cherokee Nation about seven miles from Vinita I.T. for many years--that her home has been in that neighborhood ever since she came to the Cherokee Nation. That sometime in the latter 70's she went on a visit to the Peoria Nation, in the Indian Territory, where she gave birth to a child--and this resulted in total blindness. She was married at that time to a man by the name of Joe Bigknife and he left her as soon as this child was born--and she went blind and soon thereafter the child died and she had to depend entirely upon the charity of friends and distant relatives to care for her and see that she did not starve.

That she remained in the Peoria Nation about one year after her child was born and then returned to the home of Elizabeth Spybuck, near White Oak, in the Cherokee Nation. That she continued to live with Elizabeth Spybuck, who was her cousin for something like one or two years, then she went to Oklahoma Territory, near Shawnee, to the home of her half sister Nancy Peelan, where she lived for about two years--then she returned to the home of Elizabeth Spybuck, aforesaid.

That she continued to live at the home of Elizabeth Spybuck and make that her home--most all the time--she went first to one place and then to another--but at no time was she away from the Cherokee Nation for more than one or two years at a time--and then only tempo-



rary. That she spent time at the home of friends on Bird Creek and Mustang Creeks in the Cherokee Nation--and that she still lives in the Cherokee Nation at the home of Elizabeth Spybuck.

That in 1898, at the time of the passage of the Curtis Bill she was living in the Cherokee Nation, and that she was a resident here at the time provided by that Bill to be and which was required of all Cherokees. That she was helpless and totally blind. That no one was specially interested in her welfare--and to see that she was placed upon the rolls--of the Cherokee Nation.

That she knew nothing about the requirements made by the Allotment Act and the Curtis law before it--as to making application for enrollment, and that she at no time knew what to do and how to proceed and could not have done so had she known, and had no one upon whom to rely for assistance in doing any such acts--as required by law for her to do.

She was enrolled at the census for the Bread Money payment, so she learned some time since, but that she never received anything out of that payment.

She knew nothing about what was going on and was absolutely helpless to protect herself, or procure her rights.

That she learns that she is not enrolled by the Commission to the Five Civilized Tribes--as a Cherokee Citizen. That she has never received any allotment in the Indian Territory or in Oklahoma and that the only allotment she ever received was in Kansas--long before she came to the Indian Territory.

She pleads to the Sect. of Interior to authorize the Commission to the Five Civilized Tribes to place her upon the rolls of the Cherokee Nation so that she may receive an allotment of land and receive her share due her as a member of the Cherokee Nation in the Cherokee Nation both of money and lands--and in case he refuse her that Congress grant the prayer herein by special bill.

That she has nothing in the way of property or money whatsoever and is entirely dependent upon Charity.

She has had only one child and it died soon after birth--and she has no relatives closer than what she has stated herein.

(Signed) Nancy <sup>her</sup> X Signife  
mark

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

(Signed) Gaylord W. Debout  
Notary Public.

My commission expires Nov. 25, 1909.

Indian Territory,

Northern District---SS:

Elizabeth Spybuck being sworn upon her oath deposes and says that she is a Shawnee woman and her age is 60 years old next March. That she knows Nancy Bigknife, whose Shawnee name is Se-day-comp se or as it is sometimes called Sta-gumse or Sta-kum-se. Said Nancy is blind and is aged about the same as I. She has made her home at my house for the past two years continuously and that she has made my house her home since the time she and her husband parted back in the late seventies--when her little child died.

That she came from Kansas in the same wagon with me--and I have known her ever since she came---and seen her often---and with the exception of an occasional trip made by her to visit in Oklahoma or the Quapaw Agency--she remained and lived in the Cherokee Nation ever since the Shawnees came to the Indian Territory.

She came as a member of the Shawnee Tribe and is a member of the Shawnee Tribe--is a full blood Shawnee and never had any other name.

As soon as her child was born she went blind--and has been blind ever since said time, and has made her home with me principally--and visited among her friends and distant relatives--in the Cherokee Nation since her husband left her after her child died.

That she had no one to give special attention to getting her upon the roll of the Cherokee Nation and as she was blind and helpless she did not get upon the roll.

I did not make any effort to get her upon the roll--because I had enough to attend to and did not think of getting her on the roll until the time had passed for her to make her application.

She is still living with me--and is without money or help save that which I give her.

(Signed) Elizabeth <sup>her</sup> X Spybuck

Witness to Mark:  
(Signed) Chas. B. Rogers.

Subscribed and sworn to before me this 5th day of January, 1905.

\_\_\_\_\_  
Notary Public.

My commission expires \_\_\_\_\_

In the matter of the application of  
Sta-kum-se (Nandy Bigknife) for a bill  
to authorize the Commission to the Five  
Civilized Tribes to enroll her as a citizen of  
the Cherokee Nation.

Indian Territory,

Northern District----SS:

Cyrus C. Cornatzer being duly sworn upon his oath  
deposes and says:

That he is Chairman of the Shawnee Business Committee, of the Shaw-  
nees.

That he is a Shawnee Indian by blood. That he is 52 years of age.  
That he is a citizen of the Cherokee Nation duly enrolled as such.  
That he knows Sta-kum-se --(or Nancy Bigknife, and that she is a full  
blood Shawnee woman. That she was born in Kansas and has been known  
and recognized as a member of the Shawnee Tribe of Indians--both in  
Kansas and in the Indian Territory.

That she moved with the Shawnees to the Cherokee Nation under the  
Treaty between the Shawnees and the Cherokee Nations and the United  
States Government. That she has resided with her people in the Cher-  
okee Nation continuously since 1872 or 1873.

That she has not removed from the Cherokee Nation permanently, and  
has not remained away from the Cherokee Nation for longer than one  
year at a time since the moving of the Shawnees from Kansas to  
the Cherokee Nation. That at no time has she by reason of her absence  
from the Cherokee Nation forfeited her right to citizenship and to an  
allotment. That she has been totally blind since the late 70's and has  
not been able to care for herself, nor to support herself and has been  
since said time an object of the charity of her people. That she never  
at any time had any one to look after her rights and interests in the  
lands and funds of the Cherokee Nation and that she is ignorant and  
unable to do any thing nor has she known what to do to protect her  
rights as such Cherokee citizen.

That she did not make application to the Commission to the Five Ci-  
vilized Tribe for enrollment as a Cherokee citizen, for the reason that

she could not do so and had no one to tell her what to do--and no one to give her interests special attention--and in consequence she allowed, or rather the time passed for her making her application for enrollment, without her knowledge or her knowing any thing about what she was required by law to do.

That Congress is the only authority known to affiant where her rights may be restored to her, unless the Secty. of the Interior, by his authority direct the Dawes Commission to act therein.

That under the law the Commission to the Five Civilized Tribes has no power, in the belief of affiant, and as held by the said Commission to grant her any relief, and unless Congress acts in her relief she will be denied and cut out of her share of the Cherokee lands and money.

It is true that she has not a penny worth of goods or lands and being 60 years of age, she is an object of the greatest pity in her tribe.

Affiant believing that she ought not be denied her full rights in said nation, and that she had not the qualification to apply for and secure them in the due time required by the law, affiant says that he believes that Congress ought in all reason and conscience to grant her special relief--and save her from the forfeiture which is certain to be declared against her interest in the Cherokee Estate.

Witness the hand of the said Cyrus C. Cornatzer affixed at Vinita, I. T., December 6th, 1905.

(Signed) Cyrus C. Cornatzer.

Subscribed and sworn to before me this 6th day of December, 1905. And I certify that affiant is the person he represents himself to be and is entitled to belief.

(Signed) Gaylord N. Bebout.

My commission expires Nov. 25, 1909.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
WHITE OAK, IND. TER., FEB. 15, 1906.

In the matter of the claim of Nancy Bigknife for enrollment as a citizen of the Cherokee Nation of Shawnee blood.

Nancy Bigknife being first duly sworn and examined through sworn interpreter, Frank Daugherty, testified as follows:

ON BEHALF OF COMMISSIONER:

- Q What is your name? A Nancy Bigknife.  
Q How old are you? A 60.  
Q What is your postoffice? A Whiteoak.  
Q Are you a Shawnee Indian by blood? A Yes.  
Q Are you a full blood Shawnee? A Yes.  
Q Did you come with the Shawnees from the State of Kansas? A Yes, they come down on the train; there was a whole lot of them, I suppose.  
Q Do you know what year that was? A No, she don't know.  
Q Was that the time the Shawnee tribe of Indians came to the Cherokee Nation from Kansas? A Yes.  
Q That must have been in the year 1866 or '71, then? A Yes.  
Q Does your name appear upon the Register of the names of Shawnees who came from Kansas to the Cherokee Nation under the treaty between the Shawnee and Cherokee tribes of Indians, approved by the President of the United States June 9, 1869? A Yes.  
Q What was your name at that time? A That was her name at the time, Nancy Bigknife.  
Q Were you married to a man named Bigknife? A Yes.  
Q What was his name? A Joe Bigknife.  
Q Was he a Shawnee? A Yes.  
Q Is he living? A No sir.  
Q Did you have any children? A Had one child.  
Q Is that child living? A Only lived two months.  
Q Did the child come with you from Kansas? A Born here.  
Q Does the name of your child appear on the Shawnee Register? A No, it was not on the roll.  
Q Were there any other members of your family came to the Cherokee Nation at the time you did? A Yes, Mrs. Spybuck.  
Q What is her full name? A Elizabeth.  
Q Is she living at the present time? A Yes.  
Q Has she gone to Muskogee, today? A Yes.  
Q Do you make your home with her now? A Yes.  
Q Were there any other members of your family came to the Cherokee Nation at the time you did? A That was all that came at the time who are living now, except Elizabeth and Joe, here.  
Q Is that Joe White? A Yes sir.  
Q Was there any other person by the name of Bigknife who came along with you at the time you did? A No.  
Q Where did you locate when you came to the Cherokee Nation? A They didn't live any place themselves, but she was living with parties over here on Spring River.  
Q How long did you live there? A Two years.

- Q Then where did you go? A She just left one place there where she was and went to another place on the same reservation.
- Q Was that in the Cherokee Nation? A No.
- Q Where was it? A Eastern Shawnee Reservation.
- Q Is that in the Indian Territory? A Yes sir.
- Q Did you locate in the Shawnee Reservation or Cherokee Nation when you first came? A She located over there.
- Q In the Shawnee Reservation? A Yes.
- Q How long did you stay in the Shawnee Reservation? A She spent several years there.
- Q When did you first come to the Cherokee Nation? A She don't know just exactly when.
- Q When you first came to the Cherokee Nation near what town did you locate? A The only town she knows of was Chetopa, Kansas.
- Q Was that your nearest trading place? A They were living up here on Neosho River below Chetopa, about eight miles -- south of Chetopa.
- Q Was that in the Shawnee Reservation or Cherokee Nation? A Cherokee.
- Q How long did you continue to live at that place south of Chetopa? A She lived there two years.
- Q Where did you move from there? A Moved back to the Shawnee Reservation with this Bigknife, who hired out over there.
- Q How long did you continue to live there? A (No response).
- Q Where was your child born? A Over in the Shawnee Reservation.
- Q How long did you continue to live in the Shawnee Reservation after your child was born? A (No response).
- Q Do you remember how long it was? A She is unable to tell how long.
- Q Did you ever live in the Peoria Nation? A That was the place where they first located. It was in the Peoria Nation instead of the Shawnee that Joe Bigknife and I lived together.
- Q Did you first locate in the Peoria Nation after leaving Kansas? A They left there and went over to the Shawnee Reservation; they moved from there in south of Chetopa in the Cherokee Nation; she said she could not exactly tell how and when it was. ~~Just simply here and about, working for a living, and lots of times she didn't know she was in a different Reservation. They were at different places where they could get work for a living.~~
- Q Was the place south of Chetopa the first place you settled in the Cherokee Nation? A Yes.
- Q How long did you live on that place south of Chetopa? A Three years.
- Q Where did you move from there? A They moved up where they first landed and stayed there three years.
- Q Where was that -- in the Peoria Nation? A Yes, in the Peoria Nation.
- Q You stayed there, you state, three years? A Yes.
- Q Then where did you go? A Then she went out west, it was when she became blind.
- Q Whom did you visit out there? A She went to visit her relatives, and to doctor for her eyes.
- Q Where was that -- in what State or Territory? A Red River.
- Q Was that in Oklahoma? A Yes.
- Q How long did you live there? A She said she could not tell now.
- Q What was your relatives' names you visited? A Nancy Pecan.
- Q What relation is she to you? A She is her niece.
- Q Your sister's child? A It was her aunt's child.
- Q Is Nancy Pecan living now? A Yes.
- Q Where? A Out in Oklahoma.
- Q Do you think you were at her home in Oklahoma two years or more? A She stayed there about four years.
- Q Then did you return to the Cherokee Nation? A Yes.
- Q To whose place? A She said she thought she had a right here and she come back here.
- Q To whose place did you come? A This place here -- Elizabeth Spysbuck.
- Q Where have you lived since that time? A She has been living here.

Nancy Bigknife ---3.

- Q Do you know about how long it has been since you returned to this place? A Two years.
- Q Were you ever married more than the one time? A No.
- Q Did your husband, Joe Bigknife, ever vote in the Peoria Nation? A No.
- Q Did he ever vote in the Shawnee Reservation? A She said she didn't know, she was not with him all the time.
- Q Did you ever live in the Seneca Nation? A No.
- Q Do you know whether your husband ever voted in the Seneca Nation? A He goes over there, she didn't go with him; she never did ask him whathis business was.
- Q Did you ever take an allotment of land in your life? A All she knows is what land she took up in Kansas.
- Q That was before you came to the Cherokee Nation with the Shawnees? A Yes.
- Q Did you ever draw any money as a citizen of any tribe of Indians besides the Cherokee? A She never did draw any money from any tribe; all the money she ever knew of drawing is what money the Shawnees drew up in Kansas.
- Q Did you ever draw any money from the Cherokee Nation? A She understood she got some money at one time. She never got it; that was the first payment the Shawnees got with the Cherokees; it was distributed over here at Vinita.
- Q Is ~~xxxx~~ it your understanding that some one drew money for you? A Yes, she heard that her money was drawn, but who got it she don't know.
- Q Have you been recognized as a citizen of the Cherokee Nation? A She has been recognized by the Chief and council.
- Q Was that the Chief and council of the Shawnee tribe of Indians who were adopted into the Cherokee tribe? A Yes. She said she was not exactly satisfied because Klizabeth was not present to answer; she would rather they would hear her make this testimony so they would be satisfied. They are the ones that are working this case up; that's the reason she's backward about giving her testimony.
- Q Did you ever apply for enrollment or have an allotment of land made to you as a member of any tribe of Indians besides the Cherokee, outside of the allotment of land allotted you in Kansas as a Shawnee? A No, never made any application.
- Q Do you know whether any allotment was ever made to you in any other tribe besides the allotment made you in Kansas? A That's all she knows of.
- Q Do you know whether your name appears upon the tribal rolls of the Cherokee Nation? A She don't know, only this Shawnee Register roll.
- Q What is the name of your father? A She can't tell, he has been dead so long.
- Q Do you know the name of your mother? A Only by the Indian name.
- Q What is the Indian name? A Gil-wa-gis.
- Q You are totally blind, are you? A Yes.
- Q How long have you been blind? A In the neighborhood of twenty years.
- Q Do you speak the English language? A No.
- Q Did you ever go by any other name besides Nancy? A That's all she knows of -- Nancy.
- Q What is your Indian name? A Sta-gumps.
- Q Did you ever go by any other surname besides Bigknife? A (No response).
- Q Have you ever owned or controlled any property in the Cherokee Nation? A No.
- Q Did you ever own or control any property in any other Nation? A No.
- Q You have no children now? A No.
- Q After you came to the Indian Territory with the Shawnees, do you think you stayed at any place outside of the Cherokee Nation at any one time more than three years? A She don't know.



Nancy Bigknife --4.

- Q How since you have been blind where have you spent most of your time? A She said she could not tell, just here and there getting doctored so she could see again.
- Q Do you know how much of the time you spent in Oklahoma? A (No response).
- Q Does Elizabeth Spybuck, with whom you live, know of your residence for the last twenty years? A She says she guesses she does.
- Q Is there any one else who knows of your whereabouts? A No, she don't know of anybody else.
- Q Where have you always regarded your home? A Cherokee Nation.
- Q Have you always claimed that as your home? A Yes.
- Q Have you any one to look after your interests for you? A Yes, Elizabeth Spybuck and Cornatzer.
- Q Cyrus C. Cornatzer? A Yes.
- Q Is he related to you? A Yes, her grandmother and Cyrus Cornatzer's grandmother were sisters.
- Q Do you know why application was not made to the Dawes Commission for your enrollment as a Cherokee citizen? A She don't know, unless they just forgot her.

ON BEHALF OF COMMISSIONER:

It was only after a great deal of persuasion that Nancy Bigknife consented to be sworn, and her testimony was very reluctantly given; she expressed herself as not desiring to give her testimony without the same being given in the presence of Elizabeth Spybuck, with whom she lives, for fear she would make a mistake.

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Proceedings had at Vinita, Indian Territory, February 15, 1906.

George Dick, being first duly sworn as an interpreter, testified as follows:

ON BEHALF OF COMMISSIONER:

- Q What is your name? A George Dick.
- Q How old are you? A 59.
- Q What is your postoffice? A Whiteoak.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q By blood? A Yes sir.
- Q Are you a full blood Shawnee? A No, half.
- 

Elizabeth Spybuck, being first duly sworn and examined through sworn interpreter, George Dick, testified as follows:

ON BEHALF OF COMMISSIONER:

- Q What is your name? A Elizabeth Spybuck.
- Q How old are you? A 60.
- Q Are you a full blood Shawnee? A No, half.
- Q Do you know Nancy Bigknife? A Yes.
- Q How long have you known her? A Ever since he was a baby.
- Q Where did you first get acquainted with her? A In Kansas.
- Q Was that before the Shawnees removed from the State of Kansas to the Cherokee Nation? A Yes sir.
- Q Did Nancy Bigknife come with the Shawnees from Kansas? A Yes sir, they come together.

Nancy Bigknife--5

- Q Is she related to you? A Yes.
- Q What kin? A Cousins.
- Q Does Nancy Bigknife's name appear on the Shawnee Register? A Yes.
- Q Do you know where Nancy Bigknife has lived since she came to the Cherokee Nation from Kansas? A Yes.
- Q Where? A He has been back and here, just one place and then another.
- Q Where did she locate when she came to the Cherokee Nation?  
A Here in the Nation, over about Neosho.
- Q Was that in the Cherokee Nation? A Yes sir.
- Q Do you know how long she continued to live there? A He don't recollect how long.
- Q Do you know where she went from there? A From here to Oklahoma; she's got some kinfolks out there -- cousin.
- Q Do you know how long she lived in Oklahoma? A He don't know how long.
- Q Do you know how much of her time she has spent outside of the Cherokee Nation? A He don't know.
- Q Where has she always regarded her home? A Right here; they had to take care of her.
- Q How long has she lived with you now? A Two years straight.
- Q Where did she come from when she came to your house? A In Oklahoma. She would come here and stay awhile and go back.
- Q Do you know whether she ever received an allotment of land in Oklahoma? A No.
- Q Did she ever live at any other place outside of Oklahoma, the Cherokee Nation, and in Kansas? A He did over here at Seneca, among the Shawnees.
- Q Is that in the Eastern Shawnee Reservation? A Yes sir.
- Q Do you know how long she lived over there? A He don't recollect how long he stayed over there.
- Q Did she ever live in the Peoria Nation? A He has been in the Peoria Nation awhile.
- Q Before she came to your house two years ago, how long had she been living in Oklahoma? A He don't know how long.
- Q Do you know where she was living eight years ago? A Oklahoma.
- Q Has she spent most of her time in Oklahoma the past ten years?  
A His cousin just hauled him around and fetched him back; some times he would spend all winter here and go back somewheres else.
- Q Has she just lived around among her people? A Yes.
- Q Has she had any one to support her? A He has got an uncle lived out there, and his cousin.
- Q Where did she always regard her home? A He would take him around.
- Q Did she always consider the Cherokee Nation her home or Oklahoma?  
A Yes, the Cherokee Nation; make his home here.
- Q Did she ever draw any money in Oklahoma as a member of any of those tribes of Indians out there? A No.
- Q Did she ever draw any money as a citizen of the Cherokee Nation?  
A No.
- Q Do you know whether any one drew money for her here in the Cherokee Nation? A Said he didn't stay any one place.
- Q You don't know whether she has ever drawn any money or not?  
A No, -- lost it.
- Q Is she regarded among the Shawnees as a citizen of the Cherokee Nation? A Here in the Cherokee Nation she is regarded as a Cherokee.
- Q Do you know the name of her father? A No, she was small when his father died.
- Q Do you know the name of her mother? A He don't know his English name, he know his Shawnee name.
- Q Do you know whether her name appears on the tribal rolls of the Cherokee Nation? A Yes sir.
- Q Do you know by what name she is on there? A Nancy Bigknife.
- Q Is Joe Bigknife, her husband, living? A No, Joe Bigknife died long time ago.

Nancy Bigknife--6.

- Q Was he a citizen of the Cherokee Nation? A No.  
Q What was he? A He was a Peoria.  
Q Did he vote in the Peoria Nation? A Yes.  
Q Do you know whether he ever went by any other name? A No sir.  
Q Do you know whether he got an allotment in the Peoria Nation?  
A Yes sir, he got an allotment in the Peoria Nation.  
Q Did Nancy ever get an allotment in the Peoria Nation? A NO sir.

WITNESS EXCUSED.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the testimony had in the above cause, and that the same is a full, true, and correct transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this February 17<sup>th</sup> 1906.

Chas E. Vebelen  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., MARCH 2, 1906.

In the matter of the claim of Nancy Bigknife for enrollment as a citizen of the Cherokee nation of Shawnee blood.

Cyrus C. Cornatzer, being first duly sworn, testified as follows:

ON BEHALF OF COMMISSIONER:

- Q What is your name? A C. C. Cornatzer.  
Q Cyrus C.? A Yes sir.  
Q How old are you? A 53 years old.  
Q What is your postoffice? A Vinita.  
Q Are you a citizen of the Cherokee Nation? A Yes sir.  
Q Of Shawnee blood? A Yes sir.  
Q What position, if any, do you hold with the business committee of the Shawnee tribe? A Chairman.  
Q Do you know a person named Nancy Bigknife? A Yes sir.  
Q Is she living? A Yes sir.  
Q About how old is she? A She is older than I am, I don't know her age; I guess she is 60 years old.  
Q Is she related to you? A Yes sir.  
Q In what way? A Cousin.  
Q Is she a Shawnee by blood? A Yes sir.  
Q Is she a full blood? A No sir, about three-quarters, I think.  
Q Did she come from Kansas with the Shawnees at the time of their removal to the Cherokee Nation? A Yes sir, I think she come in '72.  
Q Is she a Registered Shawnee? A Yes sir.  
Q Are you a Registered Shawnee? A Yes sir.  
Q Do you know who came with her? A Elizabeth Spybuck come in the crowd. A bunch of them come down as far as Baxter; that lady you met at Vinita was in the bunch; there was quite a bunch of them.  
Q Did any of the members of Nancy Bigknife's immediate family come at the time she did? A I think she is the only one of her family living.  
Q Was she the only one living at that time? A She was married to Joe Bigknife.  
Q Did he come to the Territory with her? A He was a member of that Eastern tribe of Shawnees; they come to Baxter and separated, a part coming to the Cherokee Nation.  
Q Was Joe Bigknife a Registered Shawnee? A No sir, he belonged to the Eastern tribe there in the Seneca Nation.  
Q Where did Nancy Bigknife locate when she first left Kansas? A On Neosho River.  
Q Was that in the Cherokee Nation or Seneca Nation? A In the Cherokee Nation.  
Q How long did she live there? A I don't know exactly; there was a bunch of them came there and I don't know how long they stayed; they was some 25 miles from where I live.  
Q When did you first see Nancy Bigknife after she came to the Nation? A In '72, the same year we came down.  
Q Where did you see her, on Neosho River? A She came to my father's house.

- Q Where was that? A That was on Cabin Creek at the old military crossing.
- Q Do you know where she went from there? A They scattered out all through the Cherokee Nation, through different places and } }
- Q What became of Nancy? A I think her and her husband separated and she went off with some of the kinfolks out on White-oak or Caney.
- Q Was that still in the Cherokee nation? A Yes sir, and after that she was blind, and had kinfolks among the Eastern Shawnees, and kinfolks among the Oklahoma Shawnees, and kinfolks among the Cherokee Shawnees, and stayed where they would keep her; didn't have no regular home, only where some one would keep her.
- Q Did she live with her husband in the Seneca Nation? A They didn't live together very long after they moved down there in the Cherokee Nation. I think they stayed three or four months among the Eastern Shawnees, and then moved on this side of the river in the Cherokee Nation.
- Q Do you know when she and Joe Bigknife separated? A No, not just when, not the date; at this time they were living up there on Neosho.
- Q Do you know when she first went to Oklahoma? A No, I don't. First one took her, we can't keep up with her at all. I know she stayed in Oklahoma two or three years.
- Q Stayed out there two or three years? A Yes, I think it was two or three years.
- Q Where has she made her home most of the time; in the Cherokee Nation or out? A I can't tell you that, I was off to one side and would see her once a year, I don't know exactly where she stayed. The only way I would go to see them, they would have these Bread Dances once a year, and I would go out there.
- Q How often have you seen her within the last ten years? A Two or three times.
- Q Do you know where she has lived for the last ten years? A No.
- Q Has she ever held or controlled any property in the Cherokee Nation? A No, I can't say she had.
- Q Do you know whether her husband, Joe Bigknife, received an allotment of land in the Seneca Nation? A Yes sir, he took his allotment there in the Senecas.
- Q Did Nancy Bigknife take an allotment with the Eastern Shawnees in the Seneca Nation? A No.
- Q Do you know whether she ever received an allotment of land in Oklahoma? A No, we wrote down there to find out, and the agent wrote to us she was an Absentee Shawnee, didn't belong there.
- Q Do you know whether she has ever received an allotment of land anywhere? A No, I asked her that myself, and she said no she had never drawn an allotment anywhere.
- Q Do you know whether she has ever drawn any money from the Cherokee Nation? A No, I can't say, I don't know.
- Q Did you ever hear whether she drew any money in the Seneca Nation or in Oklahoma? A No, I asked her whether she ever drew any money where she went, and she said no. That is all I know about it, just what she said.
- Q Do you know whether her name appears on the tribal rolls of the Cherokee Nation? A On the old Register Roll you will find it, Nancy Bigknife.
- Q Did she have any children at that time? A No, she had one child, but it died.
- Q Was the child born in Kansas? A Born in the Cherokee Nation.
- Q Did you ever know any other person besides the one about whom you are testifying, by the name of Nancy Bigknife? A No, there are some Bigknifes; they are not related at all.
- Q Were they Registered Shawnees? A Yes sir, Tom Bigknife's family.
- Q Is Tom Bigknife living? A No. Just a son and daughter is all the family. I think the son is named Sam. I don't recollect

the woman's name.

- Q Do you know Tom Bigknife's Indian name? A No.  
Q What is Nancy Bigknife's Indian Name? A Sta-kun-se.  
Q Were Nancy Bigknife and Joe Bigknife married in Kansas? A Yes.  
Q She was known as Nancy Bigknife at the time of their removal?  
A Yes.

The name of Nancy Bigknife is identified on the Register of Shawnee Indians who elected to remove to the Cherokee Nation in accordance with the agreement entered into by and between the Shawnee and Cherokee tribes of Indians on June 7, 1869, and approved by the President June 9, 1869, opposite No. 112, as Nancy Bigknife. The tribal rolls of the Cherokee Nation in the possession of this office have been examined and the name of Nancy Bigknife cannot be identified on any of them.

- Q Do you know why Nancy Bigknife's name is not on any of the tribal rolls? A No sir, I do not.  
Q Do you know why she has not drawn any money from the Cherokee Nation? A She just didn't happen to have been in the Cherokee Nation at the time they made the rolls. She was there among the Eastern Shawnees or down yonder.  
Q Do you know that she was away at the time the different rolls were prepared? A No. I would inquire about her sometimes, and they would tell me she was here and over yonder, that is in Oklahoma or among the Eastern Shawnees.  
Q Where has she regarded her home? A I don't know. I think she claims her home with Mrs. Spybuck, the woman you saw down in Vinita, when she came to the Cherokee Nation she would stop with her.  
Q What Nation has she regarded her home? A I don't know.  
Q In Oklahoma, Seneca Nation or Cherokee Nation? A Cherokee Nation, I think.  
Q Is Nancy Bigknife regarded among the Shawnees as being entitled to enrollment as a citizen of the Cherokee Nation?  
A Yes sir.  
Q How long has she been blind? A Ever since '72, I think. Right after they come down here.  
Q Has she had any one to look after her since she come down here?  
A Just her kinfolks.  
Q Are her relatives, with whom she has been living, of the full blood class of Indians? A Yes. Never go to the post office or anything like that.  
Q Does Nancy Bigknife speak the English language? A No.  
Q Do her relatives with whom she has been living? A Some of them do and some don't. I don't think Mrs. Spybuck can talk any English at all.

WITNESS EXCUSED.

Louise Smith, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

*Louise Smith*

Subscribed and sworn to before me this March 2, 1906.

*Chas. Webster*  
Notary Public.

(C O P Y)

Land.  
5700 - 1906.

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

January 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge the receipt of Departmental letter of the 17th instant (I.T.D. 585-1906) enclosing for consideration and report thereon certain affidavits and other papers relating to the claim of Nancy Bigknife to a right to enrollment as a citizen of the Cherokee Nation.

From the papers submitted it is learned that Nancy Bigknife claims to be a full blood Shawnee woman, 60 years of age; that her Indian name is Sta-kum-se or Seda-com-se; that she was born in Johnson County, Kansas, and moved with the Shawnee tribe of Indians to the Cherokee Nation in the year 1872; that she lived for many years in the Cherokee Nation about seven miles from Vinita; that her home has been in that neighborhood ever since; that some time in the latter 70's she went on a visit to the Peoria Nation in the Indian Territory, where she gave birth to a child, which resulted in total blindness; that she was married at that time to a man by the name of Joe Bigknife; that the child died, and she, having become blind, had to depend entirely on the charity of friends and relatives for care and sustenance. She says that she remained in the Peoria Na-

tion about one year and then returned to the home of Elizabeth Spybuck, near White Oak in the Cherokee Nation where she continued to live one or two years, then going to Oklahoma Territory near Shawnee to the home of her half-sister, Nancy Pecan, where she lived for about two years, then returning to the home of Elizabeth Spybuck; that she continued to live there and make that her home nearly all the time, going from one place to another, but at no time being away from the Cherokee Nation for more than one or two years at a time, and then only temporarily; that she spent part of the time at the home of friends on Bird and Mustang creeks, in the Cherokee Nation, and that she still lives in that Nation at the home of Elizabeth Spybuck. She further says that in 1898, at the time of the passage of the Curtis act, she was living in the Cherokee Nation; that she, being helpless and totally blind, no one was so especially interested in her welfare as to see that her name was placed upon the rolls of the Cherokee Nation; that she knew nothing about the requirements made by the "Allotment Act," and the Curtis law as to making application for enrollment, and at no time knew what to do or how to proceed and could not have done so had she known as she had no one on whom to rely for assistance in doing these acts; that she now learns that she is not enrolled by the Commissioner to the Five Civilized Tribes as a Cherokee citizen; that she has not received any allotment in Indian Territory or Oklahoma, and that the only allotment she ever received was in Kansas long before she came to the Indian Territory; and she prays for relief.



No case involving the rights of this woman has been received in this Office, and the statements contained in the papers submitted will be accepted as covering the facts. The records of the Office show that Nancy Bigknife, whose name appears at No. 112 on the schedule, was adopted by the Cherokee Nation when certain Shawnees were incorporated into that nation.

If the facts be as alleged by Nancy Bigknife, by reason of her failure to apply to the Commission to the Five Civilized Tribes, she is not entitled to enrollment under the present laws and her only measure of relief will be action by Congress.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y.

Y. P.

SECRETARY'S OFFICE  
DEPARTMENT OF THE INTERIOR  
WASHINGTON, D. C.

LLB

D.C. 4291-1906.  
I.T.D.1432-1906.

January 31, 1906.

LRS

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

Sir:

There is inclosed a copy of Indian Office letter of January 24, 1906, relative to the claim of Nancy Bigknife to a right to enrollment as a citizen of the Cherokee Nation; also the affidavits referred to by the Indian Office.

This person is not apparently entitled to enrollment under present law, though she may be, in fact, a citizen of the Cherokee Nation.

With a view to the recommendation for Congressional action for her relief, if the facts warrant it, it is requested that you investigate the matter and report with recommendation. You will advise the Department whether the name of this applicant appears upon any roll of the Cherokee Nation.

Respectfully,

(Signed) Thos Ryan.

First Assistant Secretary.

4 inclosures.

Through the Commissioner  
of Indian Affairs.

Copy.

Muskogee, Indian Territory, February 10, 1906.

Nancy Bigknife,

Care of Elizabeth Spybuck,

Whiteoak, Indian Territory.

Dear Madam:

You are hereby advised that on Thursday, February 15, 1906, a representative of this office will be at Whiteoak, Indian Territory, for the purpose of giving you an opportunity to introduce testimony tending to show your right to enrollment as a citizen of the Cherokee Nation.

You are directed to be present in person at the town of Whiteoak on that day, and to present the testimony of witnesses who have known you since coming from the State of Kansas to the Cherokee Nation with the Shawnee tribe of Indians at the time of their removal to the Cherokee Nation, and who have known of your residence since that time.

Respectfully,

LS  
Register

Acting Commissioner.

Muskogee, Indian Territory, February 17, 1906.

Cyrus C. Cornatzer,

Vinita, Indian Territory.

Dear Sir:

Referring to an affidavit made by you on December 6, 1905, in connection with the petition of Nancy Bigknife for enrollment as a citizen of the Cherokee Nation of Shawnee blood, you are advised that on February 15, 1906, testimony was taken in connection with the right of Nancy Bigknife to enrollment as a citizen of the Cherokee Nation. No application was ever made for her enrollment within the time required by law, and before her right to enrollment as a citizen of that Nation, providing application had been made for her within the time limited by law, can be determined, it will be necessary that further testimony be offered as to her residence in the Cherokee Nation.

Her testimony shows that you and she are cousins, and you are requested to appear before the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, on Wednesday, February 21, 1906, in order that your testimony may be taken in connection with her claim for citizenship in the Cherokee Nation.

If it is impracticable for you to appear on that date, you are requested to so advise this office by return mail. There

-2-

is inclosed herewith for your reply, a return penalty envelope  
which requires no postage.

Respectfully,

LS  
Inc. Env.  
REGISTER

Acting Commissioner.

Muskogee, Indian Territory, February 27, 1906.

Cyrus C. Cornatzer,

Vinita, Indian Territory.

Dear Sir:

Referring to your letter of February 24, you are advised that on Friday, March 2, 1906, at nine o'clock A. M., you will again be given an opportunity to appear before the offices of the Commissioner to the Five Civilized Tribes and testify in the matter of the claim of Nancy Bigknife for citizenship in the Cherokee Nation.

Respectfully,

LB

Acting Commissioner.

Muskogee, Indian Territory, March 3, 1906.

Honorable Tams Bixby,  
Hotel Raleigh,  
Washington, D. C.

Sir:

On February 5, 1906, the office received Departmental letter of January 31, inclosing a petition of Nancy Bigknife, with affidavits in support thereof, in connection with her right to enrollment as a citizen of the Cherokee Nation. The Department requests this office to investigate the matter and report, with recommendation, with a view to a recommendation for Congressional action for the relief of Nancy Bigknife, if the facts warrant it, no application having been made for her enrollment as a citizen of the Cherokee Nation within the time limited by law. A copy of said letter is inclosed herewith.

Before an intelligent report could be made in the case it was found necessary to secure the testimony of Nancy Bigknife in order to arrive at the correct status of her case. Her testimony was, therefore, taken at Whiteoak, Indian Territory, on February 15, 1906, and the testimony of Elizabeth Spybuck was taken at Vinita on the same date. The testimony of Cyrus C.

-2-

Cornatzer was taken before the office on March 2, 1906.

There is inclosed herewith a report prepared for your signature, addressed to the Department, and if the same meets with your approval, please return, after attaching your signature thereto, one of the ribbon copies inclosed, in order that a letter press copy may be made of the same.

Respectfully,

Incl. S-9

Acting Commissioner.



Muskogee, Indian Territory, March 18 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of January 31 (I.T.D. 1452-1906), inclosing a copy of Indian Office letter of January 24, land 6700-1906, a petition of Nancy Bigknife and affidavits signed by Elizabeth Spj buck and Cyrus C. Cornatzer, relative to the right to enrollment as a citizen of the Cherokee Nation of Shawnee blood of Nancy Bigknife. The Department states that Nancy Bigknife is not, apparently, entitled to enrollment under present law, though she may be, in fact, a citizen of the Cherokee Nation, and, with a view to recommendation for Congressional action for her relief, if the facts warrant it, this office is directed to investigate the matter and make report with recommendation therein, and also to advise whether her name appears upon any of the tribal rolls of the Cherokee Nation.

In reply you are respectfully advised that before an intelligent report could be made as to whether Nancy Bigknife is entitled to enrollment as a citizen of the Cherokee Nation, had application been made for her enrollment within the time limited.

by law, it was deemed advisable that the testimony of Nancy Bigknife be secured in connection with her claim. An employe of this office was detailed to visit the home of Nancy Bigknife at Whiteoak, Indian Territory, and on February 15, 1906, her testimony was taken in connection with her case, as was also the testimony, on the same date, of Elisabeth Spybuck, with whom Nancy Bigknife lives. Testimony of Cyrus C. Cornatzer was also taken before this office on March 2, 1906.

The evidence in this case shows that Nancy Bigknife is a three-quarter degree Shawnee Indian; that she was a member of the Shawnee tribe of Indians who elected to remove to the Cherokee Nation in accordance with the agreement entered into between the Cherokee and Shawnee tribes of Indians on June 7, 1869, and approved by the President on June 9, 1869, and that her name is identified on the Register of the members of the Shawnee tribe of Indians who removed to and located in the Cherokee Nation in accordance with said agreement. Her name is identified on said Register opposite No. 112. The evidence further shows that about 1872 Nancy Bigknife became totally blind; that since that time she has had no one to look after her interests and to care for her, and that since that date she has made her home with her relatives in the Cherokee Nation, in the Eastern Shawnee Reservation in Indian Territory, and in Oklahoma. The name of Nancy Bigknife

cannot be identified on any of the tribal rolls of the Cherokee Nation in the possession of this office, but as it does not appear that she has ever been enrolled or recognized as a citizen of any tribe of Indians other than as a citizen of the Cherokee Nation, it is reasonable to suppose that her absence from those rolls is due to her physical condition, and to the fact that no one has interested himself sufficiently in her behalf to have her name placed upon the rolls.

Nancy Bigknife and Klizabeth Spybuck do not speak the English language, and they appear to be entirely ignorant as to dates, and it is impossible to locate the whereabouts of Nancy Bigknife at any particular time. Cyrus C. Cornatser testifies that he is chairman of the business committee of the Shawnee Indians, citizens of the Cherokee Nation; that Nancy Bigknife came with the Shawnees from Kansas to the Cherokee Nation the same year he did; that she is a relative of his, and that she is regarded among the Shawnees as a citizen of the Cherokee Nation. He further testifies that he has not lived in the immediate vicinity of Nancy Bigknife, and that he is unable to state as to her whereabouts all of the time since her removal to the Cherokee Nation. This office does not consider that the residence outside of the Indian Territory of Nancy Bigknife since her removal to the Cherokee Nation has been such as would work a forfeiture of her citizenship in the Cherokee Nation.

Her case seems to be a meritorious one, and this office believes, in case the records of the Department do not show that an allotment of land has been made to her as a member of any tribe of Indians, that she is equitably entitled to enrollment as a citizen of the Cherokee Nation and the facts herein are submitted with the suggestion that the Department, if practicable, recommend to Congress that legislation be enacted authorizing the enrollment of Nancy Bigknife as a citizen of that Nation.

The petition of Nancy Bigknife and affidavits of Elizabeth Spybuck and Cyrus C. Cornatzer, inclosed with the Department's letter, and the testimony taken in connection with this case, are inclosed herewith.

Respectfully,

Incl. 3-8

Commissioner.

Through the

Commissioner of Indian Affairs.

Cherokee  
M 48

Muskogee, Indian Territory, June 8, 1906

Charles B. Rogers,  
Vinita, Indian Territory,

Dear Sir:

This office is in receipt of your letter of May 18, transmitting power of attorney from Nancy Bigknife.

In reply you are advised that you have been entered as attorney of record for Nancy Bigknife, and you will be notified of any further action taken in her case.

Respectfully,

LMB

Commissioner

Cherokee MH-48.

Muskogee, Indian Territory, July 17, 1906.

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

Dear Sir:

By the Act of Congress approved June 21, 1906 (Public  
No. 258), it was provided:

"That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of . . . . Nancy Bigknife, Alice Owen and her children, to the final roll of the citizens by blood of the Cherokee tribe, the said persons being . . . Cherokee Indians by blood, whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls; Provided, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior."

You will be allowed fifteen days from date hereof within which to file protest against the enrollment of Nancy Bigknife as a citizen of the Cherokee Nation. If you fail to file protest within the time allowed, the name of Nancy Bigknife will be included in a schedule of citizens of the Cherokee Nation and forwarded to the Secretary of the Interior for approval.

There is inclosed a copy of the record of proceedings had in connection with the right of Nancy Bigknife to

enrollment as a citizen of the Cherokee Nation.

Respectfully,

LS  
Incl. delivered  
in person,

Commissioner.

Office of  
ATTORNEY FOR THE CHEROKEE NATION,  
Muskogee, I. T.

D.C.31249

July 24, 1906.

Tans Bixby,

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

I am in receipt of your letter of July 17, 1906, advising me of that provision of the Act of Congress approved June 21, 1906 (Public No. 258) which provides as follows:

"That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of .....Nancy Bignife, Alice Owen and her children, to the final roll of the citizens by blood of the Cherokee tribe, the said persons being.....Cherokee Indians by blood, whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls: Provided, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior,"

and advising me that fifteen days would be allowed from the date thereof within which to file any protest against the enrollment of Nancy Bignife as a citizen of the Cherokee Nation that is desired, and that upon failure to file such protest within the time allowed that the name of the said Nancy Bignife would be included in a schedule of citizens of the Cherokee Nation and forwarded to the Secretary of the Interior for approval. There was also inclosed a copy of the record of proceedings had in connection with the investigation of the right of the said Nancy Bignife to be enrolled. Upon examination of this record it would appear that Nancy Bignife is almost, if not quite, a fullblood Shawnee Indian and came to the Cherokee Nation with the Shawnees. Her name appears upon the Shawnee Register as



Nancy Bignife, opposite No. 112. The testimony of herself, C. C. Cornatser and Elizabeth Spybuck tend to show that the said Nancy Spybuck at an early age was married to one Joe Bignife, a Peoria, and lived with him on the Peoria Reservation; that soon after she gave birth to a child she went blind, which was in about 1872; that thereafter she lived at infrequent intervals with relatives throughout the Cherokee Nation, and at a time not definitely fixed she went to the Shawnee Reservation in Oklahoma. From the testimony submitted it would appear that she never became a citizen either of the Peoria Nation or of the Shawnees in Oklahoma and never received an allotment anywhere after she came to the Cherokee Nation with the Shawnees. She is old, blind and ignorant and does not speak the English language, which in part perhaps accounts for her name not being upon any of the Cherokee rolls.

As above observed the applicant and the witnesses who testify for her state that she did not receive an allotment in the Peoria Nation, nor did she receive an allotment among the Shawnee band in Oklahoma, but in view of the fact that she is old and ignorant and does not speak the English language, I suggest that the records at Washington in possession of the Department should be searched to ascertain whether or not she has actually received an allotment in either the Peoria Nation or from among the Shawnees in Oklahoma, and if the records do not show that she has received an allotment, in view of the testimony submitted for my consideration and of your recommendation dated March 19, 1906, addressed to the Secretary of the Interior, I do not desire to file a protest against the enrollment of the said Nancy Bignife on behalf of the Cherokee Nation.

Yours very truly, W. W. Hastings National Attorney, Cherokee Nation

Muskogee, Indian Territory, August 2, 1906

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed herewith a schedule containing the name of Nancy Bighnife, number 32825, a citizen by blood of the Cherokee Nation.

By the Act of Congress approved June 21, 1906 (Public No. 258), it was provided:

"That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of . . . . Nancy Bighnife, Alice Owen and her children, to the final roll of the citizens by blood of the Cherokee tribe, the said persons being . . . . Cherokee Indians by blood, whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls: Provided, that the enrollment of said persons by the Commissioner to the five civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior."

On July 17, 1906, this office advised W. W. Hastings, attorney for the Cherokee Nation of this provision of law, and notified him that he would be allowed fifteen days from that date within which to file such

Secretary--2.

protest as he desired to make against the enrollment of Nancy Bigknife as a citizen of the Cherokee Nation. Mr. Hastings in his letter to this office of July 24, 1906, states that he has carefully examined the case and concludes that "in view of the testimony submitted for my consideration and of your recommendation dated March 19, 1906, addressed to the Secretary of the Interior, I do not desire to file a protest against the enrollment of the said Nancy Bigknife on behalf of the Cherokee Nation." Mr. Hastings suggests, however, that inasmuch as Nancy Bigknife is old and ignorant, and does not speak the English language, the records in possession of the Department should be examined with a view to ascertaining whether or not she has received an allotment of land in the Peoria Nation, or among the Shawnees in Oklahoma.

The record of proceedings had in connection with the enrollment of Nancy Bigknife as a citizen of the Cherokee Nation, and affidavits filed in support thereof, were forwarded to the Department with this office's letter of March 19, 1906. The belief was expressed that in the event the records of the Department do not show that an allotment of land has been made to Nancy Bigknife as a member of any tribe of Indians, she is clearly entitled to enrollment as a citizen of the Cherokee Nation,

Secretary--3.

and the case was submitted with the suggestion that the Department, if practicable, recommend to Congress that legislation be enacted authorizing her enrollment as a citizen of the Cherokee Nation. If the records of the Department have not been examined with a view to ascertaining whether or not an allotment has been made to Nancy Bigknife in any tribe, this office considers that Mr. Hastings' suggestion that they be examined for that purpose should be adopted. In the event it is shown that no allotment of land has been made to said Nancy Bigknife the approval of the schedule herewith transmitted, constituting a part of the final roll of citizens of the Cherokee Nation, is recommended.

For the Department's information, Mr. Hastings' letter referred to, is enclosed herewith.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner.

L M B

Encl. B-26.

(COPY)

G.A.W.

LAND:  
67502-1906.

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

August 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated August 2, 1906, transmitting a schedule in quadruplicate containing the name of Nancy Bigknife, No. 32825, a citizen by blood of the Cherokee Nation. By the Act of Congress approved June 21, 1906, it was provided--"that the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of .....Nancy Bigknife, Alice Owen, and her children, to the final roll of the citizens by blood of the Cherokee tribe, the said persons being.....Cherokee citizens by blood whose names, through neglect on their part, or on the part of their parents, have been omitted from the tribal rolls; Provided, that the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribe and shall be approved by the Secretary of the Interior."

Commissioner Bixby says that on July 17, 1906, he advised W. W. Hastings, attorney for the Cherokee Nation, of the provision of law above quoted, and notified him that he would be allowed fifteen days from that date in which to file protest, such as he desired to make against the enrollment of Nancy Bigknife as a citizen of the Cherokee Nation. In reply to said notice Mr. Hastings, in a letter to Commissioner Bixby, dated July 24, 1906, which is among the papers, says that he has carefully examined the case and concludes that-- "In view of the testimony submitted for my consideration, and of your recommendation dated March 19, 1906, addressed to the Secretary of the Interior, I do not desire to file a protest against the enrollment of said Nancy Bigknife on behalf of the Cherokee Nation."

Mr. Hastings suggests, however, that inasmuch as Nancy Bigknife is old and ignorant, and does not speak the English language, the records in the possession of the Department be examined with a view of ascertaining whether she has received an allotment of land in the Peoria Nation or among the Shawnees of Oklahoma.

Commissioner Bixby refers to the record of proceedings had in connection with the enrollment of Nancy Bigknife as a citizen of the Cherokee Nation, and the affidavits filed in support thereof, which were forwarded to the Department with his letter of March 19, 1906, wherein the belief was expressed.

that in the event the records of the Department do not show that allotment of land has been made to Nancy Bigknife as a member of any tribe of Indians, she is clearly entitled to an allotment as a citizen of the Cherokee Nation, and the case was submitted with the suggestion that the Department, if practicable, recommend to Congress that legislation be enacted authorizing her enrollment as a citizen of the Cherokee Nation.

An examination of the records of this office has been made with view to ascertaining whether an allotment has been made to Nancy Bigknife in any tribe, and her name is not discovered on any of the records referred to. It is therefore respectfully recommended that the schedule herewith transmitted be approved.

Very respectfully,

F. E. Leupp,

Commissioner.

C O P Y .

JR17  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 14572-1906.

August 24, 1906.

LRS.

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

Sir:

On August 2, 1906, you transmitted a schedule containing the name of Nancy Bigknife, No. 32825, a citizen by blood of the Cherokee Nation.

It appears that the act of Congress approved June 21, 1906 (Public No. 258), provided that you should add the name of Nancy Bigknife to the final roll of the citizens by blood of the Cherokee Nation, provided that the enrollment of said person by you should not be objected to by the tribe and that said enrollment should be approved by the Secretary of the Interior.

You state that you advised the attorney for the Cherokee Nation of this provision of law and notified him that he would be allowed fifteen days within which to file such protest as he might desire to make against the enrollment of Nancy Bigknife as a citizen of the Cherokee Nation.

On July 24, 1906, said attorney stated, "I do not desire to file a protest against the enrollment of the said Nancy Bigknife on behalf of the Cherokee Nation." Said attorney suggests



C O P Y .

however, that the records of the Department should be examined with a view to ascertaining whether or not she has received an allotment of land in the Peoria Nation or among the Shawness in Oklahoma.

You recommend that an examination be made with a view to ascertaining whether or not an allotment has been made to Nancy Bigknife in any tribe, and in the event it is shown that no allotment of land has been made, you further recommend the approval of the schedule transmitted.

Reporting August 16, 1906, the Indian Office states that an examination of the records of that office has been made with a view to ascertaining whether an allotment has been made to Nancy Bigknife in any tribe, and that her name is not discovered on the records referred to. It is therefore recommended that the schedule transmitted be approved. A copy of its letter is inclosed.

The Department has approved said schedule this day, and two parts thereof are inclosed herewith for appropriate disposition.

Respectfully,

Jesse E. Wilson

Assistant Secretary

3 inclosures.

Cherokee  
10976.

Muskogee, Indian Territory, September 7, 1906.

Nancy Bighnife,

White Oak, Indian Territory.

Dear Madam:

You are hereby advised that on August 24, 1906, the Secretary of the Interior approved your enrollment as a citizen by blood of the Cherokee Nation, and that your name appears upon the final roll of such citizens opposite No. 32825.

You are now entitled to an allotment as a Cherokee citizen and application therefor may be made at the Cherokee Land Office, Muskogee, Indian Territory.

Respectfully,

GHL

Acting Commissioner.

Muskogee, Indian Territory, September 19, 1906

The Honorable,

The Secretary of the Interior.

Sir:

On August 24, 1906 (I.T.D. 14572-1906), the Department approved a schedule containing the name of Nancy Bigknife, a citizen by blood of the Cherokee Nation. The Department states that a copy of Indian Office letter dated August 16, 1906, recommending the approval of said schedule, is enclosed.

You are advised that the copy of Indian Office letter referred to was not received and in order that the records of this office may be complete it is respectfully requested that a copy of said letter be forwarded to this office.

Respectfully,

Through the

Commissioner of Indian Affairs.

L M B

Commissioner

D.C.43597-1906.

(COPY)

G.A.W.

LAND:  
82848-1906.

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

October 2, 1906.

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

Sir:

The Office has received your letter of September 19, 1906, addressed to the Secretary of the Interior, saying that on August 24, 1906, the Department approved a schedule containing the name of Nancy Bigknife as a citizen by blood of the Cherokee Nation, but that a copy of Office letter of August 16, mentioned by the Department, was not received by you with the letter of the Department.

A copy of the letter to which you refer is enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBH-Y.

Cher 10977

William H. Payne

Trans. from R466

Cher 10977

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Claremore, I.T. November 8th 1900.

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In the matter of the application of Mary A. Payne for the enrollment of herself as a Cherokee citizen. She being sworn; testified as follows before the Commission:

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- Q. What is your name? A. Mary A. Payne.  
Q. How old are you? A. 52.  
Q. What is your post office? A. Claremore.  
Q. Do you live in Cooweescoowee District? A. Yes sir.  
Q. Who is it that you want to have enrolled? A. Just myself.  
Q. Are you a Cherokee by blood? A. Yes sir.  
Q. How long have you lived in the Cherokee Nation? A. All my life except a few years.  
Q. When was that --- during the war? A. No, just after the war.  
Q. Are you on the 1880 roll? A. No sir.  
Q. Are you on the 1896 roll? A. Yes sir.  
Q. Why are you not on the 1880 roll? A. Was not here then, I was in Kansas; my husband was working there, he was following his trade as a blacksmith.  
Q. Were you re-admitted to citizenship after you came back by the Cherokee Council or Commission? A. Yes sir, I went down there and they told me I was re-admitted.  
Q. Give me the name of your father? A. John Have.  
Q. Is he dead? A. Yes sir.  
Q. Was he a Cherokee or white man? A. Cherokee.  
Q. Give me the name of your mother? A. Rachel Looney was her maiden name.  
Q. Is she dead? A. Yes sir.  
Q. Was she a Cherokee? A. Yes sir.  
Q. How often have you been married? A. Once.  
Q. When were you married? A. In 1863.  
Q. To whom were you married? A. William P. Payne.  
Q. Is he dead? A. Yes sir.  
Q. When did he die? A. He died in 1893.  
Q. When you married him in 1863 where did you marry him? A. In Canadian District.  
Q. And how long did you and him continue to live together in the Cherokee Nation after your marriage? A. Until the year 1878.  
Q. And then you and he went up to Kansas? A. Yes sir.  
Q. How long did you live with him up there? A. We came back in 1892.  
Q. Did you live in Kansas from 1878 until 1892? A. Yes sir.  
Q. Did you take all your household goods up there? A. Nothing but our bedding and clothing; had a farm down here.  
Q. Were your children all born up there in Kansas? A. All but one was born in the Cherokee Nation.  
Q. How many have you? A. Five.  
Q. Did you frequently come back to the Cherokee Nation while you were up there? A. Yes sir, came back almost every year.  
Q. You say you had a farm down here? A. Yes sir.  
Q. How old is your youngest child? A. 22.  
Q. How old is your oldest child? A. 28.

(1896 roll, page 235, No. 3801, Mary A. Payne, Cooweescoowee.)

By Cherokee Representative Hastings.

- Q. Where is your oldest son? A. In Kansas.

- Q. Where is your next oldest child? A. He is living near Vinita, has a farm there.
- Q. Where is your next child? A. Over here on my farm.
- Q. Where is your fourth child? A. Living at Tahlequah, married there.
- Q. Who did she marry? A. She married Jim Guinn.
- Q. Where is your next one? A. Here.
- Q. Where is your place in Canadian District? A. At Webbers Falls. We sold it.
- Q. When did you dispose of it? A. Just a year before we came back in 1892, in December.
- Q. About what size farm was it? A. A small place, some 20 or 25 acres in cultivation.
- Q. What did you sell it for? A. \$300.00.
- Q. Did you receive rents annually from it while living in Kansas? A. Yes sir.
- Q. Where did you live in Kansas? A. Parsons.
- Q. How far is that from the Cherokee line? A. I don't know just exactly, 30 or 40 miles.
- Q. Did you live in Parsons all the time you were living in Kansas? A. No sir lived in Parsons only ten months and then moved to Galesburg near Parsons, and lived there some time. My husband was a blacksmith and he moved wherever there was work for him to do.
- Q. How big is Galesburg? A. A small place.
- Q. Did you own a house there? A. Yes sir, owned a house when we lived there?
- Q. Did you own a farm in Kansas? A. No sir.
- Q. Did you live in any other place there? A. Yes sir, we went to Fredonia and lived there a year I guess, moved from there down here.

By the Commission.

- Q. You have no certificate of re-admission to Cherokee citizenship? A. No sir, I went before the Council and it went before the Committee and they told me "You have gone through all right" they never gave me a certificate.
- Q. Your husband was a white man was he? A. No sir he was a Cherokee he was a relation of Mr. Starr here.

By Mr. Hastings.

- Q. Was your husband ever indicted either immediately before or after you went to Kansas? A. No sir.
- Q. Wasn't he accused of any trouble there the reason that you left? A. If he was I didn't know of it.

By the Commission.

The applicant applies for enrollment as a Cherokee by blood. She is identified on the 1896 roll as a native Cherokee. She is not identified on the 1880 roll. She states that she married her husband, who was a Cherokee, in 1863, and that they lived together until his death in 1893. They moved to the state of Kansas, he following his trade as a blacksmith and they lived there until 1892. She does not present a certificate of her re-admission by the Cherokee Council or Commission. Her husband died in 1893. He is not upon any roll accessible to the Commission. The applicant states that she has lived in the Cherokee Nation ever since her return with her husband in 1893, and that during all the time they lived in Kansas she main-

tained property interests in the Cherokee Nation and made frequent visits thereto, and that four of her five children were born in the Cherokee Nation. For the further consideration of this case she will now be listed on a doubtful card and the decision of the Commission will be mailed to her at her post office address. She is desired to supply the Commission with a copy of the certificate of her re-admission if such action was ever taken. She states that she applied to the Council for re-admission and that they told her that she was all right and consideration is now needed as to her status in case she was not re-admitted by council.

-----

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

Chas. Von Weise.

Subscribed and sworn to before me this the 8th. day of November, 1900.

T. B. Needles,  
Commissioner.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tahlequah, I. T., December 6, 1900.

In the matter of the application of William H. Payne for the enrollment of himself and one child as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A William H. Payne.  
Q How old are you? A 32.  
Q What is your postoffice? A Claremore.  
Q What district do you live in? A Cooweescoowee.  
Q Who is it you want to enroll; yourself? A Myself and one child.  
Q Are you a Cherokee by blood? A Yes sir.  
Q How long have you lived in the Cherokee Nation; all your life?  
A No sir, ever since 1893.  
Q Where were you born? A Parson, Kansas.  
Q When did your father go to Kansas? A In 1878.  
Q How long did he stay there? A He staid there ~~for~~ until 1893.  
Q Your mother and all the family staid there? A Yes sir.  
Q Your mother was living all that time until 1893? A Yes sir, she's living yet.  
Q Give me the name of your father. A William P. Payne.  
Q He's dead is she? A Yes sir.  
Q Give me the name of your mother. A Mary A.  
Q She's alive? A Yes sir.  
Q When did your father died, in 1895? A I believe it was.  
Q He came to the Cherokee Nation in 1893? A Yes sir, and he died a year before the strip payment.  
Q Wasn't it a year after? A No sir, he died before.  
Q He came back here in 1893, and died shortly afterwards? A Yes sir. It was before the strip payment.  
Q He came back in 1893 and died within a year? A Nine or ten months afterwards.  
Q Your brother stated that he came back in 1892, but however, that is immaterial, the main facts are here. Your father staid in Kansas from 1878 until 1893? A Yes sir.  
Q Did your father apply for readmission to citizenship to the Cherokee Council or Commission when he came back? A Yes sir.  
Q Was he ever admitted? A I couldn't tell you.  
Q Have you a certificate of his readmission? A No sir, he was enrolled alright.  
Q Did you draw Cherokee strip money? A Yes sir.  
Q What did your father do up in Kansas? A A blacksmith.  
Q Kept house up there? A Yes sir.  
Q Votes there on elections? A ~~Yes~~ No sir.  
Q How do you know that? A He said he never. He wouldn't vote.  
Q Why? A He said it would knock him out in the territory if he was to vote.  
Q Did he leave any property down here? A He left his cattle and a couple of places here with his brother when he left.  
Q He kept that all the time he was away? A No sir, he sold it.  
Q He applied for readmission, but you have no evidence that he was readmitted by the Cherokee Commission? A No sir.  
1896 roll: page 335, #3802, Wm. A. Payne, Cooweescoowee.  
1894 roll: page 1110, #2311, Wm. H. Payne, Tahlequah district.

By E. E. Baugh, representative of the Cherokee Nation-

- Q Was you enrolled in Cooweescoowee district by the Census takers or down here at Tahlequah? A I wasn't enrolled at Cooweescoowee; I was strilled down here.  
Q The Census takers refused to take you up yourself? A No sir.  
Q Why didn't you appear before them when they were going around taking the Census? A I never enrolled myself; my mother enrolled me.

2- W.R.P.

Commissioner-

Q Give me the name of your child? A Flossie M.  
Q How old is your child? A Seven weeks old.  
Q What is the name of the mother of that child? A Rosetta.  
Q Is she a white woman? A Yes sir.  
Q How old is she? A She's twenty years old.  
Q When did you marry her? A 6th of last October, a year ago.  
Q Married her in October, 1899? A No, in 1898, two years ago.  
Q What was her name when you married her? A Rollins.  
Q You were never married except to her? A No sir.  
Q She was never married except to you? A No sir.  
Q She's lived with you ever since you were married? A Yes sir.  
The applicant presents a license issued by the Clerk of the United States Court, Northern district, Indian Territory, under date of October, 6, 1898, authorizing his marriage to his wife as stated by him. The certificate shows that they were married on the same date by the Rev. William H. Shank. This is filed herewith.

Commissioner Breckinridge.

The applicant applies for the enrollment of himself, and one child. He states that he has lived in the Cherokee Nation since 1893, and he is identified on the rolls of 1894 and 1896. He was born in the State of Kansas, where his father and mother went in 1878, prior to the applicant's birth. The family staid there, according to the applicant's testimony, until 1893, a period of some fifteen years. There is no evidence that they ever acquired readmission from the Cherokee Council or Commission on Citizenship though application was made for readmission. It is considered that the father and mother during their protracted residence in Kansas, had under the Cherokee law forfeited their citizenship in the Cherokee Nation, and that under the circumstances, they could not again enjoy the rights of Cherokee citizenship without readmission by the Cherokee Commission or Council, or some other competent authority, and no such action appears to have ever been taken. As the applicant was born in Kansas during the period of the father's residence there, he acquired no rights by birth that his father and mother did not enjoy at that time, therefore, not having been born into the right of Cherokee citizenship, and never having been readmitted by any competent authority, he is not considered entitled to enrollment at this time, and the application for his enrollment is rejected. He is shown to have married his wife in 1898. She is a white woman. No application is made for her enrollment. The application for the enrollment of his child, Flossie M., is in accordance with the consideration of the father, rejected. He is desired in order to complete the records of the case to file a certificate of the birth of the child, Flossie M.

E.G. Rothberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7th day of December, 1900.

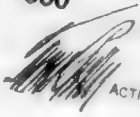
*E. G. Rothberger*  
Commissioner.

R466

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
DEC 6 1900

  
ACTING CHAIRMAN

RECEIVED BY THE SECRETARY OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED

DEC 6 1900

# CHEROKEES BY BLOOD AND ADOPTION.

*1000*  
 Name *William H. Payne* Date *Dec 6 1900* 1900.  
 District *1000* Year *1896* Page *233* No. *3802*  
 Citizen by blood *Yes* Mother's citizenship *None* *Mary A Payne - d*  
 Intermarried citizen *No* *Wm P. Payne - d*  
 Married under what law \_\_\_\_\_ Date of marriage *Oct 1896*  
 License *Filed DEC - 6 1900* Certificate *Filed DEC - 6 1900*

Wife's name \_\_\_\_\_  
 District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_  
 Citizen by blood \_\_\_\_\_ Mother's citizenship \_\_\_\_\_  
 Intermarried citizen \_\_\_\_\_  
 Married under what law \_\_\_\_\_ Date of marriage *Oct 1896*  
 License \_\_\_\_\_ Certificate \_\_\_\_\_

Names of Children:

Names of Children	Dist.	Year	Page	No.	Age
<i>Wm H. Payne</i>					<i>7</i> <i>notes</i>

*No 1 on 1896 will as Mrs A. Payne*

*No affidavit required*

R 466

D

20

IN RE

Application for Enrollment of

INFANT CHILD

*Messie M. Payne*  
as a citizen of

*Cherokee*

Nation.

Approved, JAN 8 1901 190

*[Signature]*  
Commissioner.

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

FILED

JAN 8 1901

*[Signature]*

ACTING CHAIRMAN

Card No R, 466.

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

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Flossie M. Payne, born on the 13<sup>th</sup> day of Oct, 1900  
(Here insert name of child)  
Name of Father: William H. Payne, a citizen of the Cherokee Nation.  
Name of Mother: Rosetta Payne, a citizen of the Cherokee Nation.  
Post-office, Claremore, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Rosetta Payne, on oath state that I am 20 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of William H. Payne, who is a citizen, by Blood, of the Cherokee Nation, that a Female child was born to me on the 13<sup>th</sup> day of Oct, 1900, that said child has been named Flossie M. Payne, and is now living.

WITNESSES TO MARK

Rosetta Payne

(Must be Two Witnesses)

Subscribed and sworn to before me this 20<sup>th</sup> day of Dec, 1900

JOE M. GATAY  
Com. Ex. 2/27/1901  
ROTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

I, Maggie Vaughan, Friend, on oath state that I attended on Mrs. Rosetta Payne, wife of William H. Payne, on the 13<sup>th</sup> day of Oct, 1900, that there was born to her on said date a Female child; that said child is now living and is said to have been named Flossie M. Payne.

WITNESSES TO MARK:

Maggie Vaughan

(Must be Two Witnesses)

Subscribed and sworn to before me this 20<sup>th</sup> day of Dec, 1900

JOE M. GATAY  
Com. Ex. 2/27/1901  
ROTARY PUBLIC

R 406

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
OCT 23 1901



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.

Wanta 21 Oct 23 1901

Received of the Commission to the Five Civilized Tribes one  
copy of the testimony in the matter of the application of

William H Payne et al for enrollment as  
citizens of the Cherokee Nation.

No. 1, B 466

A. Segwick  
Agent for applicants.



E R 66

FILED  
FEB 8 1962

*[Handwritten signature]*  
Special Agent in Charge

200  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., January 31, 1902.

In the matter of the application of William H. Payne for  
the enrollment of himself and child as Cherokee citizens.

An examination of the printed list of persons  
admitted and readmitted to citizenship in the Cherokee Nation,  
which list was prepared by the Cherokee Tribal authorities,  
and is now in the possession of this Commission, fails to disclose  
either the name of William H. Payne, Mary A. Payne or William H.  
Payne. It does not appear that either of the parties here named  
were admitted to citizenship by the Commission to the Five  
Civilized Tribes, or by the United States Court on appeal therefrom.

It is ordered that copies of this statement be filed with  
the above case.

*C. R. Anderson*

Commissioner.

*ew*

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

In the matter of the application of William H. Payne for the enrollment of himself and child as Cherokee citizens.

DECISION.

It appears from the record in this case that on the 6th day of December, 1900, William H. Payne appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation.

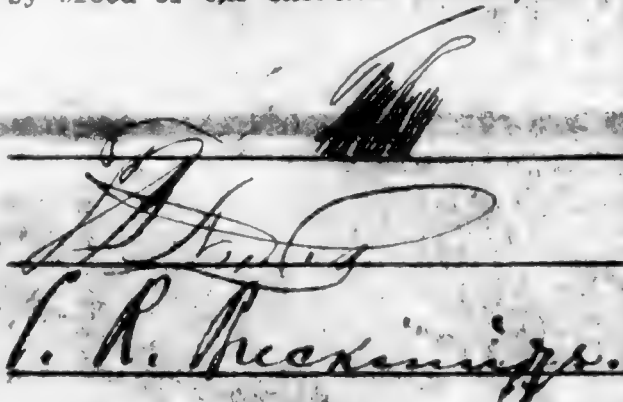
The evidence in the case shows that the applicant, William H. Payne, was born in the State of Kansas. His parents at one time resided in the Cherokee Nation, but removed to the State of Kansas in 1878, and resided there until 1893, at which time they returned to the Cherokee Nation. It appears that the father of this applicant, William P. Payne, applied for re-admission to citizenship in the Cherokee Nation, but the record discloses the fact that he is not included among the persons admitted and re-admitted to citizenship in the Cherokee Nation. Neither is his mother, Mary A. Payne, nor the applicant himself, found on such list. He is identified on the Cherokee Census Roll of 1896, and the strip payment roll of 1894.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 25, 1898, (30 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including re-enrollment) as the basis for the rolls to be confirmed by this and preceding acts, and to include therein all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon, and all persons who have been enrolled by the tribal authorities or 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."

Under the facts and the law in this case it is considered that William H. Payne is not entitled to be enrolled as a citizen of the Cherokee Nation, and that his name is on the roll of 1896 without authority of law. His child, Flossie M. Payne, is the result of a marriage between himself and Rosetta Rollens, a white woman, on the 6th day of October, 1899. Such child could of course acquire no rights not possessed by either of its parents. The child is too young to be identified on any roll. The application therefore for the enrollment of William H. Payne and his child Flossie M. Payne, as citizens by blood of the Cherokee Nation, is denied.

  
C. R. Beckwith.

Dated at Muskogee, Indian Territory,  
this the 20 day of May, 1902.

COMMISSION TO THE SOUTHERN STATES  
DEPARTMENT OF THE INTERIOR

(Signed) JAMES V. WILSON, Clerk.

A copy of Vol. V. D. 1898, and copy received in Book of Marriage Records,  
page 588

of Nov. 1898----- and copy received in Book of Marriage Records,  
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of Nov. 1898----- and copy received in Book of Marriage Records,  
page 588

Cherokee R-466.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA.  
INDIAN TERRITORY.  
NORTHERN DISTRICT.

No. 678.

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are hereby Comanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. Wm H. Payne of Claremore in the Indian Territory, aged 20 years, and Miss Rosa Hollens, of Claremore, Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 6<sup>th</sup> day of October, A. D. 1898.

(Signed) Jas A. Winston.

Clerk of the U. S. Court.

By (Signed) J. C. Anderson., Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA  
INDIAN TERRITORY?  
NORTHERN DISTRICT.

I, Wm H. Shank, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 6<sup>th</sup> day of October, A. D. 1898, I did duly and according to law as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 6 day of October A. D. 1898.

My Credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, Northern District, Book B. Page 26.

(Signed) Wm H. Shank,

A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA  
INDIAN TERRITORY.  
NORTHERN DISTRICT.

I, James A. Winston, clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 4 day of Nov. 1898-----M., and duly recorded in Book G, Marriage Record, Page 222.

WITNESS my hand and seal of said Court at Muskogee Ind Ter this 7 day of Nov A. D. 1898.

(Signed) Jas A. Winston, Clerk.

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

Muskogee, I. T. August 18, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence to the members of the application for enrollment of the \_\_\_\_\_ as a citizen of the Cherokee Nation.

  
\_\_\_\_\_  
Commissioner.

1902

Cherokee R.

In the matter of the application of William H. Payne et al. as citizens of the Cherokee Nation

MOTION TO REOPEN.

Department of the Interior,  
 NOV 11 1902  
 No. 7042  
 Indian Division.

*Spivey*

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

In the matter of the Application of William H. Payne and his minor child, Flossie M. Payne, for enrollment as citizens ~~of the~~ by blood of the Cherokee Nation, Indian Territory.

MOTION TO REOPEN.

Comes now William H. Payne, principal applicant herein, and moves that the Honorable Secretary of the Interior of the United States ~~shall~~ direct and order the Commission to the Five Civilized Tribes to reopen the cause herein, and give this applicant an opportunity to be heard by ~~Attorney~~ and to adduce further testimony to establish by competent evidence the proof of his right to be enrolled as a citizen of said Cherokee Nation. And for grounds of this his motion says:

1. He has not had a fair and impartial trial.

2. That some time ago he employed an Attorney, Preston S. Davis, of Vinita, Ind. T., to prosecute his claim and protect his rights herein, and paid said Attorney ten dollars; but from that day to this has not known or heard of said Davis doing so. However until this applicant recently received notice of affirmation of said Commission's <sup>above</sup> decision by the Hon. Secretary of the Interior, he did in fact suppose and believe said Davis was duly prosecuting his claim and protecting his rights as a-forsaid.

3. That this applicant can prove he has been a bona fide citizen and resident <sup>of said Cherokee Nation</sup> continuously since he was fourteen years old; that he <sup>was</sup> such immediately prior to the approval of the Act of Congress approved June 28th., 1898; and that he has exercised the utmost good faith in heretofore claiming and enjoying the right and privileges of a citizen on the Cherokee N.

4. That <sup>he</sup> can further prove he was a minor and under the age of twenty one years until the first day of June in the year, 1898; that as such minor he heretofore claimed and exercised all the rights and privileges of minor members of the Cherokee Tribe of Indians living and residing within said Cherokee Nation, Ind. T.

Applicant has to say further he has none of the records or copies of same in his case and is now unable to state more fully and perfectly his rights and grounds of contention, but that he makes <sup>his</sup> motion that he may be given a fair and impartial hearing and that strict justice in the premises may be done.

Sworn to and subscribed before me on this 5th day of Nov., 1902.

My commission expires July 2nd., 1906.

*William H. Payne*  
*R. E. Suggs*  
Notary Public



R. 466

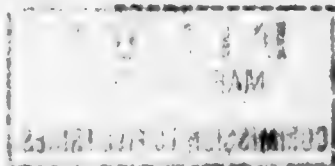
**FILED**  
MAR 28 1905  
**COMMISSION TO FIVE TRIBES.**

Cherokee R-466.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, MARCH 20, 1905.

In the matter of the application for the enrollment of  
William H. Payne, et al., as citizens of the Cherokee Nation.

On this, March 20, 1905, this case coming on to be heard,  
pursuant to notices, the applicants appearing through their attorneys  
Kimball & White, ask that the case be continued until April 13, 1905;  
the Cherokee Nation represented by its attorneys Ball, Hastings &  
Davenport, offers no objections and the same was granted by the  
Commission.



Josie Davies, having been first duly sworn, states that as steno-  
grapher to the Commission to the Five Civilized Tribes, she re-  
ported all proceedings had in the above entitled cause on the 20th  
day of March, 1905, and that the above and foregoing is a true,  
full and complete transcript of her stenographic notes thereof.

Josie Davies

Subscribed and sworn to before me this March 20, 1905.

Myron White  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, April 13, 1905.

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In the matter of the application for the enrollment of  
William H. Payne et al. as citizens of the Cherokee Nation.

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Principal applicant appears in person and by attorney, William  
H. White.

Cherokee Nation represented by W. W. Hastings.

COMMISSION.

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MR. WHITE:

William H. Payne, being duly sworn, testified as follows:

- Q. What is your full name? A. William Henry Payne.  
Q. You are the applicant for citizenship in this case? A. Yes  
sir.  
Q. I call your attention to the application of Silas D. Payne, C.D.  
10393, and ask if you are related to Silas D. Payne? A. I  
am.  
Q. What relation is he to you? A. A brother.  
Q. A full brother? A. Yes sir.  
Q. I call your attention to the application of one, Mary A.  
Payne, an application for Cherokee citizenship on C.D. 10392,  
and ask if you are related to her? A. Yes sir.  
Q. What relation are you to her? A. She is my mother.

(Mary A. Payne, the mother of the principal applicant, William  
H. Payne, is identified upon Cherokee card 10392, and is numbered  
30898 upon the final roll, approved by the Secretary of the Interior.)

(Silas D. Payne, a brother of the principal applicant, William H.  
Payne, is identified on Cherokee card 10393, and is numbered 30899  
on the final roll, approved by the Secretary of the Interior.)

- Q. I will call your attention to a certificate, signed by E. W.  
Alberty, Assistant Executive Secretary of the Cherokee Nation,  
attached to the testimony in the case of Silas D. Payne, and  
ask you who is the William Payne referred to therein? A. My  
father.

(Mr. White -- I offer this certificate in evidence---Executive  
Office, Cherokee Nation, Tahlequah, Indian Territory.

I, E. W. Alberty, Assistant Executive Secretary of the  
Cherokee Nation, do hereby certify that the name of William Payne,  
appears, on the Old Settler's Cherokee Roll taken in 1851, page 19,  
Being Snake District, and that the name of Alice Payne appears on  
page 51 of said roll, Tahlequah District, as in and to the said

copy of said roll now in this office.

Given under my hand and the seal of the Cherokee Nation  
this 14th day of December, 1900.

B. W. Alberty,  
Assistant Executive Secretary of the  
Cherokee Nation.)

(Comes now the representative of the Cherokee Nation and objects to the introduction of the above certificate, for the reason that it is no evidence whatever of the citizenship of the said William Payne, the alleged father of the applicant in this case, because it is a well known fact that a great many names appear upon the Old Settler's Roll as beneficiaries of that payment who were not residents nor citizens of the Cherokee Nation at the time.)

(Mr. White-- I also desire to introduce in evidence the testimony, taken in the case of Mary A. Payne, taken at Claremore, Indian Territory on November 8, 1900.)

- Q. Who is the Alice Nave, whose name appears there, if you know?  
A. My mother.  
Q. Her maiden name was Nave? A. Yes sir.  
Q. Do you know where your father lived in the Cherokee Nation before he removed to Kansas -- in what District? A. He lived at Webbers Falls just before he moved.  
Q. In what District is that? A. Canadian, I believe.  
Q. Do you know whether he ever lived in Going Snake District or not? A. I was told he lived there.  
Q. Where did your mother live before she was married, if you know?  
A. In Tahlequah District, east of Tahlequah.

MR. HASTINGS:

- Q. How old are you? A. 27 years old.  
Q. Are you married? A. Yes sir.  
Q. Where were you married? A. At Kiowa.  
Q. When? A. Six years ago this fall.  
Q. Where were you born? A. Parsons, Kansas.  
Q. When? A. In '78.

(Mr. White-- I object to this as not proper examination, and insist that the Cherokee Nation be bound to any answer to questions that he has examined the witness upon.)

- Q. Were your parents living in town or on a farm? A. In town.  
Q. Is your father living? A. No sir.  
Q. Where did he die? A. At Tahlequah.  
Q. When? A. In '93.  
Q. Did your father own a house in Parsons, Kansas? A. No sir.  
Q. Did your mother? A. No sir.  
Q. How old were you when you came from Kansas to the Cherokee Nation? A. About 14 years old.  
Q. What year did you come? A. In '92.  
Q. To what place in the Cherokee Nation did you come? A. To Tahlequah.  
Q. You came from Parsons to Tahlequah, direct? A. No, we were living in Fredonia when we came here.  
Q. How old were you when you left Parsons? A. Two years old.  
Q. Where did you go? A. To Galesburg.  
Q. How long did you live at Galesburg? A. Between 4 and 5 year.

- Q. Did you live in town or on a farm? A. In town.  
Q. Where did you go from there? A. Urbana.  
Q. How long did you live there? A. I disremember.  
Q. About how long? A. Between 3 and 4 years, probably longer.  
Q. Did you live in town? A. Yes sir.  
Q. What trade did your father follow? A. Blacksmithing.  
Q. Did he blacksmith in each of these towns? A. Yes sir.  
Q. From Urbana where did you go? A. To Fredonia.  
Q. And from Fredonia you came to Tahlequah? A. Yes sir.  
Q. In '92? A. Yes sir.  
Q. Up to that time you had never lived in the Cherokee Nation?  
A. No sir.

COMMISSION:

- Q. Is this child, Flossie V. Payne, your daughter? A. Yes sir.  
Q. Is she living? A. Yes sir.  
Q. Was an application ever made for your wife? A. No sir.

MR. WHITE:

- Q. You were married after December 16, 1895? A. Yes sir.  
Q. And your child was born before September 1, 1902? A. Yes sir.  
Q. You are now living in Tahlequah? A. Yes sir.  
Q. You have continued to reside there since your parents' return from Kansas in 1892? A. Not all the time -- I lived at Claremore awhile.  
Q. You have continuously lived in the Cherokee Nation since the return of your parents? A. Yes sir.

MR. HASTINGS:

- Q. You came here the first time in '92, didn't you? You didn't return? A. Yes sir, that was the first time I was ever here.

CASE CLOSED.

-----

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 13th. day of April, 1906, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

*Eula Jeanes Branson*

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

*Myron White*  
Rotary Public.

Muscogee Indian Territory, 4141905

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in re William H. Payne, taken

April 13-1905

Thos. Henry White  
Attorney for Applicant.

CJB

Cherokee R 466

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

In the matter of the application for the enrollment of William H. Payne, et al., as citizens by blood of the Cherokee Nation.

-:-

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, on December 6, 1900, William H. Payne appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself and his minor daughter, Flossie M. Payne, as citizens by blood of the Cherokee Nation.

The records further show that on May 20, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department on September 10, 1902 (I. T. D. 5241-1902). Thereafter, on February 17, 1905, a motion to reopen having been filed on behalf of applicants, the Department remanded said case for further hearing and readjudication. Further proceedings in the matter of said application were had at Muskegee, Indian Territory, on March 20, and April 13, 1905. A copy of the testimony taken at Claremore, Indian Territory, on November 8, 1900, in the matter of the application for the enrollment of Mary A. Payne as a citizen by blood of the Cherokee Nation, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That William H. Payne is a Cherokee by blood, and a son of William P. Payne, deceased, and Mary A. Payne, a Cherokee by blood who is listed for enrollment

on Cherokee card 10392, and whose name appears upon a partial roll of citizens by blood of the Cherokee Nation approved by the Department June 11, 1904, opposite No. 20895.

The evidence further shows that William H. Payne was born in Parsons, Kansas, in 1870, and resided there with his mother until 1898, when he returned with her to the Cherokee Nation, where he has since continuously resided, and is duly identified on the 1904 Star Payment roll, and the 1904 Cherokee census roll. His minor applicant herein, Flossie H. Payne, is not identified on any roll of the Cherokee Nation, having been born since the 1904 roll was made.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 23, 1898 (30 Stat., 495), William H. Payne, and Flossie H. Payne, are entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly granted.

  
COMMISSIONER

Dated at Muskogee, Indian Territory,  
this      OCT 31 1905



COMMISSIONERS

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

ALLISON C. AVESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING:

Cher. R-466.

CR

ADDRESS OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 20, 1902.

William H. Payne,  
Claremore, Indian Territory.

Dear Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and child, Flossie M. Payne, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

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

Yours truly,

Acting Chairman.

Enc. R-466.  
Registered.

COPY.

Muskogee, Indian Territory, May 20, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of William H. Payne for the enrollment of himself and his child, Flossie M. Payne, as citizens of the Cherokee Nation, including the decision of the Commission dated May 20, 1908, refusing the application for the enrollment of the said William H. Payne et al. as citizens of the Cherokee Nation.

Very respectfully,

GNED: *Tams Bixby*

Acting Chairman.

Enc. R-466.

Through the Commissioner  
of Indian Affairs.

COPY.

Cher. B-436.

Muskogee, Indian Territory, May 30, 1862.

W. W. Hastings, Esq.,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of William H. Payne for the enrollment of himself and child, Flossie W. Payne, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

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

Yours truly,  
*Jams Dixby.*

Acting Chairman.

Enc. B-14.

Muskogee, Indian Territory, July 7, 1902.

Freston E. Davis,  
Attorney at Law,  
Vinita, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 12, stating that you represent an attorney William H. Payne in his application for enrollment as a citizen of the Cherokee Nation and asking to be furnished with a copy of the testimony in his case.

In reply, you are advised that the records of this Commission show that J. H. Sequichie represents this applicant, and a copy of the testimony has already been furnished him. If <sup>does not</sup> Mr. Sequichie represents this case you should call on him for the applicant's copy of the testimony. The Commission will be glad to be advised as to whether you or Mr. Sequichie represent William H. Payne.

Yours truly,

Commissioner in Charge.

Cherokee N. 468.

Muskogee, Indian Territory, August 19, 1902.

William H. Payne,

Claremore, Indian Territory.

Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application a marriage license and certificate showing your marriage on October 6, 1898, to Miss Rosa Polens.

The same is herewith returned to you, a copy having been made and retained in the Commission files.

Yours truly,

Acting Chairman.

Enclosure.  
D-21.

Refer in reply to  
the following:  
Land  
31143-1902.

COPY.

Department of the Interior,  
Office of Indian Affairs,  
Washington, August 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of William H. Payne for the enrollment of himself and child, Flossie M. Payne, as citizens by blood of the Cherokee Nation.

The principal applicant is a Cherokee by blood. His parents at one time resided in the Cherokee Nation, but moved to Kansas in 1878 and resided there until 1893, during which period of residence applicant Wm. H. Payne was born. His father, during or shortly after 1893, applied to the Cherokee authorities for citizenship, but the record does not show that he was ever re-admitted; neither was the mother of applicant, Mary A. Payne, admitted. Applicant's name appears on the census roll of 1896 and on the strip payment roll of 1894, and although he has resided continuously in the Cherokee Nation since 1893 and is of Cherokee blood, the Commission declined to enroll him and his child, because it was of the opinion that his name had been placed on the Cherokee Roll without authority of law.

The office is not entirely satisfied with the examination

made in this case. No attempt was made to ascertain why his name was placed on the Cherokee Roll. He states that "I never enrolled myself; my mother enrolled me."

The office believes that it is incumbent upon the representatives of the Cherokee Nation, one of whom was present to cross-examine the witnesses, to produce evidence to show that the names of parties on the roll are placed there without authority of law, or by fraud, and in this case no such evidence was introduced.

As the Cherokee authorities have twice enrolled him, and as he is a Cherokee by blood and has resided continuously in the nation since 1893, the office believes he should be enrolled, and respectfully recommends that the Commission be directed so to do.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

COPY

Cherokee # 460.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of William H. Payne for the enrollment of himself and his minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 10, 1902.

Respectfully,

*James G. ...*  
Acting Chairman.



COPY.

Cherokee R. 466.

Muskogee, Indian Territory, October 7, 1902.

J. R. Sequichie,

Agent for William H. Payne, et al.,  
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of William H. Payne for the enrollment of himself and his minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 10, 1902.

Respectfully,

Acting Chairman.

Cherokee N 456.

Muskogee, Indian Territory, October 7, 1902.

William H. Payne,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself and your minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 10, 1902.

Respectfully,

Acting Chairman.

1  
DEPARTMENT OF THE INTERIOR.  
I.T.D.5241,7042-1902. WASHINGTON.

*WHR*  
WHR.

*L. P. S.*

November 17, 1902.

Mr. William H. Payne,  
C/O Commission to the  
Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a motion by you for a rehearing in the matter of the application of yourself and others for enrollment as Cherokee citizens.

As you fail to give your post office address this letter is transmitted to you through the Commission to the Five Civilized Tribes.

The motion is herewith returned as it bears no evidence of service of a copy thereof on the attorney for the Cherokee Nation.

The motion does not, as it should, set forth specifically the facts upon which it is alleged to be based, does not give the names of the witnesses by whom you expect to prove such alleged facts, and does not state what such witnesses would testify. Motions for rehearings will not be granted when the evidence proposed to be offered would be merely cumulative. Any motion you may desire to make should be submitted through the Commission to the Five Civilized Tribes.

The reasons for the rejection of your application are set

out in departmental decision of September 10, 1902, which decision is open to your inspection at the office of said Commission.

The Department finds nothing in your general allegation that you have not had a "fair and impartial trial" and that your attorney neglected your case, to warrant a rehearing.

Respectfully,

1 Inclosure.

  
Acting Secretary.

28

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

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

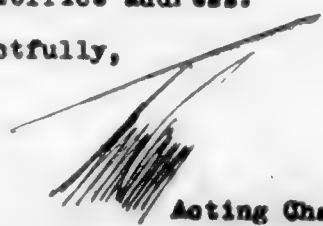
Muskogee, Indian Territory, November 28, 1902.

William H. Payne,  
Claremore, Indian Territory.

Dear Sir:-

The Commission is in receipt of a letter from the Department of the Interior, enclosing a motion signed by yourself, for a re-hearing in the matter of the application for the enrollment of yourself and others as citizens of the Cherokee Nation, with the request that the same be transmitted to you for the reason that the motion failed to show your postoffice address.

Respectfully,



Acting Chairman.

Enc. M-46

Refer in reply to the following:

Land, 54445-1902  
45513-1904

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

Referring to Department letter of September 10, 1902, I.T.D. 5241, there is enclosed a communication from W. H. White of this city, dated July 9, 1904, forwarding motion for review and rehearing in the matter of the application of William H. Payne and Flossie M. Payne, for enrollment as citizens by blood of the Cherokee Nation. It is shown by affidavit attached to the motion, and registered mail receipt attached to Mr. White's communication, that a copy of the motion has been forwarded to W. W. Hastings, Esq., attorney for the Cherokee Nation.

The record in the case is returned.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

GAV-AAG

I.F.D. 5241-1902.  
8058-1904.

L.R.8.

D.C. 27367-1904.

Y.P.

FHE

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

July 29, 1904.

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

Gentlemen:

Referring to departmental decision of September 10, 1902, affirming your decision rejecting the application of William H. Payne for the enrollment of himself and his minor child as citizens of the Cherokee Nation, you are advised that on July 27, 1904, the Acting Commissioner of Indian Affairs submitted a motion for review in the matter. A copy of the Acting Commissioner's letter is inclosed.

You will suspend action in the matter until further advised.

Respectfully,

(Signed) Thos Ryan,

1 inclosure.

Acting Secretary.

COPY.

Muskogee, Indian Territory, February 4, 1904.

The Honorable

The Secretary of the Interior.

Sir:

The Commission is in receipt of Departmental letter of January 24, 1903 (I.T.D. 6058-1904), requesting an early report in the matter of the application for the enrollment of William H. Payne et al., as citizens by blood of the Cherokee Nation (R-466).

In reply you are advised that the records of the Commission show that on May 20, 1902, the Commission rendered its decision denying the application for the enrollment of William H. Payne and Flossie M. Payne as citizens by blood of the Cherokee Nation, and by Departmental letter of September 10, 1902 (I.T.D. 5241-1902), the Commission's action was approved by the Department.

The records of the Commission further show that by Departmental letter of July 29, 1904 (I.T.D. 6058-1904), the Commission was advised that a motion for review had been submitted by the Acting Commissioner of Indian Affairs, and the Commission was ordered to suspend action in the matter until further advised.



The Commission is not informed of any further action in this case.

Respectfully,

Through the  
Commissioner of Indian Affairs.

SIGNED:

*James D. [unclear]*  
Chairman

Y. P.  
FHE.

D. C. 9042-1905. DEPARTMENT OF THE INTERIOR,

I. T. D. 5241-1902. WASHINGTON. February 17, 1905.  
6058-1904.  
1606-1905.

L. R. S.

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

Gentlemen:

The Department has considered a motion for review in the matter of the application of William H. Payne, et al, for enrollment as citizens of the Cherokee Nation, in which case the Department rendered a decision September 10, 1902, affirming your decision adverse to the applicants.

In view of the rulings of the Department in the Yeargain and other similar cases, made since the decision of September 10, 1902, such decision is hereby rescinded, and you will allow the applicants, after due notice to the attorney for the Nation, to submit further testimony to show that they are entitled to enrollment under the present interpretation of the laws governing the question of citizenship by blood in the Cherokee Nation, after which you will readjudicate the matter.

The testimony and papers attached, and the motion for review, are inclosed.

Respectfully,

(Signed) W. N. Miller.

2 inclosures.

Acting Secretary.

COPY:

Cherokee R-466.

Muskogee, Indian Territory, March 3, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of William H. Payne et al., as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental letter of February 17, 1905, remanding this case for rehearing and readjudication.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 20, 1905, and introduce such testimony as he may desire in support of his said application. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

SIGNED,

*C. R. Breckinridge.*

Commissioner in Charge.

Encl. 1-14.

C. R. 466

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COMMISSION TO FIVE TRIBES  
FILED

FILED  
MAR. 27 1905  
COMMISSION TO FIVE TRIBES

COMMISSIONERS:

TAMM BERRY,  
THOMAS B. NEEDLES,  
C. E. BRACKENRIDGE,

WM. O. BRALY,  
Secretary.

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

*361*

COPIES TO BE MADE TO THE FOLLOWING:

Cherokee R-466.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 3, 1905.

William H. Payne,  
Claremore, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and your minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental letter of February 17, 1905, remanding this case for further hearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 20, 1905, and introduce such testimony as you may desire in support of your said application.

You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Register.

Commissioner in Charge.

*Case read for April 13-1905 9 a.m. - Lord.*

*Service accepted of re-hearing for April 13 '05*

*William H. Payne*

March 20, 1935

William H. Payne, et al.,

Cherokee B 256.

COPY.

Cherokee B-460.

Muskogee, Indian Territory, March 3, 1905.

William Henry White,

Attorney for William H. Payne et al.,

Columbian Building, 416 8th St., N. W.,

Washington, D. C.

Dear Sir:

In the matter of the application for the enrollment of William H. Payne et al., as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental letter of February 17, 1905, remanding this case for rehearing and readjudication.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 20, 1905, and introduce such testimony as he may desire in support of his said application. You are further permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

*C. R. Breckinridge*

Commissioner in Charge.

Encl. 1-15.  
Register.

COPY.

Muskogee, Indian Territory, October 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of William H. Payne, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision dated October 31, 1905, granting said application.

On February 17, 1905 (I.T.D. 5241-1902, 6058-1904, 1606-1905), this case was remanded to the Commission to the Five Civilized Tribes for rehearing and readjudication.

Respectfully,

(SIGNED)

*Tamie Dixby.*  
Commissioner.

Incl. S-63

Through the  
Commissioner of Indian Affairs.



Cherokee R 406.

COPY:

Muskogee, Indian Territory, October 31, 1905.

William Henry White,  
416 Fifth Street, N. W.,  
Washington, D. C.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting the application for the enrollment of William H. and Flossie M. Payne as citizens by blood of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings.

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

Respectfully,

(SIGNED).

*Tame Blady*

Commissioner.

Incl. 8-61  
Register

Cherokee R-466.

12

Muskogee, Indian Territory, October 31, 1905.

William H. Payne,

Tahlequah, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting your application for the enrollment of yourself and minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, William Henry White, Washington, D. C., a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commissioner's decision.

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

Respectfully,

GNEB

Tame Kirby

Commissioner.

Incl. 3-60  
Register

copy

Land.  
88772-1905.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON.

June 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 31, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation of William H. Payne, and his minor daughter, Flossie M. Payne.

October 31, 1905, the Commissioner decided favorably for both applicants.

The records show that on May 20, 1902, the Commission to the Five Civilized Tribes rendered its decision denying the applicants enrollment and the decision was affirmed by the Department September 10, 1902 (I.T.D. 5241-1902); that thereafter the Department remanded the case for further hearing and readjudication.

The evidence shows that William H. Payne is a Cherokee by blood and a son of William H. Payne, deceased, and Mary A. Payne, a Cherokee by blood, who is listed for enrollment and is enrolled upon a partial roll of citizens by blood of the Cherokee Nation approved at #30989 by the Department, June 11, 1904. It is further shown that William H. Payne was born in Kansas in 1878 and resided there with his mother until 1893, when he returned with her to the Cherokee Nation, where he has continuously resided

and is duly indentified on the 1894 Scrip Payment Roll and the 1896 Cherokee census roll. The minor applicant, Flossie M. Payne, is not identified on any roll of the Cherokee Nation, having been born since the 1896 roll was made.

In view of the record the approval of the Commissioner's decision favorable to the applicants is recommended.

Very respectfully,

C. F. Larrabee,

M.M.M.M.R.

Acting Commissioner.

D. C 29345

G.R.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D.6058-1904.  
1605-1905.  
10776-1906.

July 11, 1906.

L.R.S.

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

Sir:

October 31, 1905, you retransmitted the remanded record in the matter of the application for the enrollment of William H. Payne and his minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation, including your decision of the same date, admitting said applicants to enrollment as citizens by blood of the Cherokee Nation.

June 9, 1906, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision, favorable to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in the recommendation made, and your decision of October 31, 1905, granting the application of William H. Payne for the enrollment of himself and his minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation is hereby affirmed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

COPY.

Cherokee  
R. 486.

Muskogee, Indian Territory, July 21, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting the application of William H. Payne for the enrollment of himself and child, Flossie W. Payne, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, July 11, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

~~SIGNED~~

*James Bixby.*

Commissioner.

Incl. C-15.  
LMO

COPY.

Cherokee  
R. 466.

Muskogee, Indian Territory, July 21, 1906.

William Henry White,  
416 5th Street, N. W.,  
Washington, D. C.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting the application of William H. Payne for the enrollment of himself and child, Flossie M. Payne, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, July 11, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Commissioner.

Incl.C-14.  
LMC

Cherokee  
R. 466.

COPY.

Muskogee, Indian Territory, July 21, 1906.

William H. Payne,

Tablequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting the application for the enrollment of yourself and child, Flossie M. Payne, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, July 11, 1906.

You are further advised that you will not be permitted to make allotment selections for yourself and child, until your names have been placed upon a schedule of citizens by blood of the Cherokee Nation, and affirmed by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

SIGNED:

*Tams Dixby.*

Commissioner.

LMC

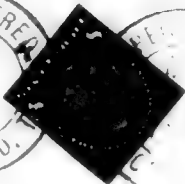


CLEVELAND  
RE. M. D. R. E.  
MAY  
25  
1902  
BAM  
U.S.



*Unclaimed*

*No 44*



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*William H. Payne*

*7890 15747*

*Warramere*

*J. J.*

Department of the Interior.

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

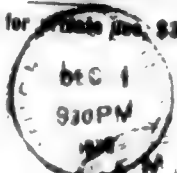
OFFICIAL BUSINESS.

Penalty for private use, \$300.

CLAIMED.

William H. Payne,

Muskogee, Indian Territory.



Cher 10978

Arch Cochran

Trans. from D2057

Cher 10978

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... ..

... ..

... ..

... ..

Case 1007

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,  
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emmet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q You are so recognized? A Yes sir.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

Arch Beckman, page 225, # 225, Saline District, also on 1896  
roll, page 225, # 225, Saline District, as Arch Beckman.  
Etc: F. C. Beckman.  
Eva Cochran, 1896 roll, page 225, # 221, Saline District;

- Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1890  
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the  
Commission to the Five Civilized Tribes, he correctly recorded the  
testimony and proceedings had in the above entitled cause, and that  
the foregoing is an accurate transcript of his stenographic notes  
thereof.

*E. C. Bagwell*

Subscribed and sworn to before me this August 5, 1902.

*H. R. Rutter*  
Notary Public.

R.

Cher. D-2057.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Tahlequah, I. T., August 11, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of ARCH COCHRAN and others as citizens by blood of the Cherokee Nation.

TAYLOR BUCK, being first duly sworn, and being examined, testified as follows, through official interpreter S. R. Walkingstick:

- BY COMMISSION: What is your name? A Taylor Buck.
- Q How old are you? A Thirty-one.
- Q What is your post office address? A Spavinaw, I. T.
- Q In what district do you live? A Saline.
- Q Do you know Arch Cochran? A Yes sir.
- Q How long have you known him? A I have known him some little time, probably about eighteen years.
- Q Is he a Cherokee by blood? A Yes sir, he is a Cherokee.
- Q Is he a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Has he lived in the Cherokee Nation continuously since you first learned to know him? A Yes sir.
- Q What is his present post office address? A Spavinaw, I think.
- Q Does he reside in Saline District? A Yes sir.
- Q Do you know the name of his father? A John Cochran was his name.
- Q Is he living? A No sir, he is dead.
- Q Was he a Cherokee by blood? A Yes sir.
- Q Do you know the name of the mother of Arch Cochran? A Eve was her name.
- Q Is she living? A No sir.
- Q Was she a Cherokee by blood? A Yes sir.
- Q The age of Arch Cochran on the 1896 census roll of citizens of the Cherokee Nation shows that he would be now twenty-five years of age. Do you think that is about right? A That is about his age, I think.
- Q Is Arch Cochran married? A Yes sir.
- Q Do you know the name of his wife? A Eve.
- Q Is she a recognized citizen by blood of the Cherokee Nation?
- A She is generally recognized as a citizen of the Cherokee Nation.
- Q Is she a Cherokee by blood? A Yes sir.
- Q Do you know the name of her mother? A Althea is all I remember. Her surname was Lecust.
- Q Is she living? A She is dead.
- Q Was she a Cherokee by blood? A Yes sir, she was a full blood.
- Q What was the name of the father of Eve Cochran? A Galyawah Chevaluke. It might be Vann.
- Q Is he living? A He is dead.
- Q Was he a Cherokee by blood? A Yes sir.
- Q Are Arch Cochran and Eve Cochran recognized as husband and wife? A Yes sir.
- Q Are they both living? A Yes sir.
- Q How long have you known Eve Cochran? A I have known her something like fifteen years, I guess. I have known her from the time she was small.
- Q Has she resided in the Cherokee Nation continuously from the time you have known her? A Yes sir.
- Q Have either Arch or his wife been out of the Cherokee Nation for any purpose, in the last four years, to your knowledge? A No sir.
- Q Have Arch Cochran and Eve Cochran any children? A Yes, they have one child.

Q What is the name of the child? A I don't know. They live near me too, but I don't know the name of the child.  
Q Do you know whether the child is a boy or a girl? A It is a girl.  
Q About how old is the child? A About two years old, I guess.  
Q What degree of Cherokee blood does Arch Cochran claim?  
A I could not state exactly, but I think he is a full blood. I always considered him a full blood.  
Q Is his wife a full blood? A Yes sir.  
Q About how old is Eve Cochran now? A About eighteen or twenty.  
Q Do you think she is old enough to be on the 1890 roll? A I hardly think she is old enough to be on the 1890 roll. She may be, though.

1890 authenticated roll of citizens of the Cherokee Nation examined, and names of applicants identified as follows:

Page 424, #287, Arch Cochran, Saline District, age 3.

1896 census roll of citizens of the Cherokee Nation examined and applicants identified as follows:

Page 986, #280, Arch Cochran, Saline District, age 20.

Page 986, #281, Eve Cochran, Saline District, age 18.

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

Wm. Hutchinson

Subscribed and sworn to before me this 18th day of August, 1901.

John Ross  
Notary Public.



P. 2057

**FILED**  
APR 18 1905  
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
CHEROKEE ENROLLMENT FIELD PARTY.  
TAHLEQUAH, I. T., MARCH 20, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ARCH COCHRAN ET AL., as citizens by blood of the Cherokee Nation.

WASA-LOU KEE PIGEON, being first duly sworn, testified as follows through interpreter, JAMES MUSKRAT:

BY THE COMMISSION:

- Q What is your name? Wasa-lou Kee Pigeon.  
Q What is your age? A 59 years old.  
Q What is your post office address? A Locust Grove, I. T.  
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.  
Q How long have you lived in Saline District? A All my life.  
Q Did you ever know a man by the name of Arch Cochran who lived in Saline District? A Yes sir.  
Q Did you know his wife, Eva Cochran? A Yes sir.  
Q Did Arch and Eva Cochran have any children? A As well as I remember there were two or three children, I am not certain about it.  
Q Did you know the names of these children? A I think one was Jesse.  
Q Did you know the name of the other one? A I don't know that I remember the name of the girl.  
Q Would Arch Cochran, if living, be about 27 or 28 years old?  
A Yes sir that would be about his age.  
Q Is Arch Cochran living? A No sir he is not living.  
Q How long has he been dead? A Three or four years ago since he died.  
Q In what District was he living when he died? A Saline District.  
Q Would his wife, Eva Cochran, be about 27 years old if she was living? A I suppose that would be her age.  
Q How long has it been since you saw Eva Cochran? A The last time I saw her was in an Association meeting on Spavinaw this last November.  
Q She was living then last November? A Yes sir.  
Q Do you know whether or not her two children were living then?  
A I couldn't swear to that whether they are living or not.  
Q Is Eva Cochran and her husband recognized citizens of the Cherokee Nation? A Yes sir they were.  
Q Does Eva belong to that class of Cherokees that oppose the enrollment? A That is what I have heard, I couldn't swear that she is, that is just a rumor, I have heard she was.  
Q Do you know whether or not she has married since her husband, Arch Cochran, died, the last time you heard from her? A The last time I saw her she was single, I haven't heard from her since then.  
Q How long have you been acquainted with these people? A I think it has been about 18 years ago since I got acquainted with them.  
Q Have they lived in the Cherokee Nation ever since you knew them?  
A Yes sir they lived here when I knew them and have been living here ever since.

The applicants are identified on the 1896 Cherokee Census Roll, Galina District, with the exception of the two minor children, Jesse and Mariah, and are listed for enrollment from information on Cherokee D-2057.

-----o-----

George H. Lesley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lesley*

Subscribed and sworn to before me this April 18, 1905.

*Myron White*  
Notary Public.

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Main body of faint, illegible text, likely the primary message or document content.

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RECEIVED  
June 30-1905  
TRANSMISSION TO FIVE TIMES

Vinita, Indian Territory, June 1, 1905.

C.D. 2057.

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

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In the matter of the application made for the enrollment of Arch Cochran et al. as citizens of the Cherokee Nation.

William N. West, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A William N. West.  
Q What is your age, Mr. West? A 63.  
Q What is your post office? A Spavinaw.  
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.  
Q Mr. West, are you acquainted with a man by the name of Arch Cochran in Saline District, Cherokee Nation?  
A Yes, sir.  
Q Is Arch Cochran a full blood Cherokee?  
A Yes, sir, I guess he is about a full blood.  
Q What was his father's name?  
A I do not know who his father was.  
Q Do you know his mother's name?  
A I do not know his mother's name.  
Q Are his father and mother both dead? A I think they are.  
Q How long have you been acquainted with Arch Cochran?  
A I have been acquainted with him about 20 years.  
Q In what district was he living when you first became acquainted with him?  
A In Saline District.  
Q Was he living in Saline District when the 1880 Cherokee Tribal Roll was made?  
A Yes, sir.  
Q Has he lived continuously in that district up to the present time?  
A Yes, sir.  
Q Is Arch Cochran a married man? A Yes, sir.  
Q What is the name of his wife?  
A I do not know what her name is.  
Q Have you ever heard it that you remember of?  
A Not that I remember of.  
Q Do you know whether or not her name is Eva Cochran?  
A No.  
Q Has Arch Cochran some children?  
A Yes, sir, I think he has two.  
Q What are their names?  
A I do not know what their names are.  
Q What are their ages - how old is the eldest?  
A I presume the eldest is 5 or 6 years old, and the other one may be 3 or 4 years old.  
Q Do you know when Arch Cochran was married? A No.  
Q What is his present post office address? A Spavinaw, I think.  
Q In what district was he living when the 1896 Cherokee Census Roll was made?  
A He was living in Saline, I think.

(2).

- Q Are these two children mentioned living at the present time?  
A Yes, sir, I think they are.  
Q Do you know whether or not Arch Cochran ever made application for the enrollment of himself and the other members of his family as citizens of the Cherokee Nation?  
A No, sir, I do not.  
Q Does he belong to that class of citizens who oppose the matter of the enrollment of Cherokee citizens?  
A I do not know.

Arch Cochran and Eva Cochran are identified on the 1896 Cherokee Census Roll, Saline District, numbers 250 and 251, respectively. Arch Cochran is identified on the 1880 Cherokee Tribal Roll, Saline District, number 257, and they are listed from information, along with their two children, Jesse and Maria Cochran, on Cherokee D 2057.

W. P. Covington, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported proceedings had in the above and foregoing case on the 1st day of June 1905, and that the above and foregoing is a full and correct transcript of his said stenographic notes taken in said case.

*W. P. Covington*  
Subscribed and sworn to before me, this June 29 1905.

*Geo. P. Branson*  
Notary Public.

DEPARTMENT OF  
COMMISSIONER TO THE FIVE COUNTRIES

FILED

JAN 27 1906

*[Handwritten signature]*  
COMMISSIONER

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JANUARY 26, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ARCH COCHRAN ET AL., as citizens by blood of the Cherokee Nation.

APPEARANCES:

For Applicant, No appearance.

For Cherokee Nation, J. S. Davenport on behalf of W. W. Hastings.

JOHN COCHRAN, being first duly sworn, testified as follows:  
through interpreter, JACK WOFFORD:

ON BEHALF OF THE COMMISSIONER:

- Q Your name is John Cochran? A Yes sir.  
Q You are about 23 years of age and your post office is Rose, I. T.?  
A Yes sir  
Q You have just testified in connection with the application for your enrollment as a citizen of the Cherokee Nation, have you?  
A Yes sir.  
Q You testified that your father was John and your mother Eva Cochran, and that they are both dead? A Yes sir.  
Q You also testified that you had a brother named Arch Cochran, who is now dead and a sister by the name of Sarah Cochran? A Yes sir.  
Q How long has Arch been dead? A Along in last week sometime.  
Q Did he die this present month, January, 1906? A Yes sir.  
Q Died since last Christmas? A Yes sir.  
Q Was he married? A Yes sir.  
Q What was the name of his wife? A I don't know what her English name was, her Cherokee name was ~~He-we~~.  
Q Did they call her Eve in English? A I haven't heard of any one calling her by that name.  
Q Is Arch your full brother, same father and same mother? A Yes sir.  
Q What is the name of the father of Arch's wife? A I don't know.  
Q Do you know the name of her mother? A No sir.  
Q Did she and Arch have some children? A Yes sir, they had three.  
Q What are their names? A Mariah was the first one's name, and the second one was named Jesse, I don't know what the name of the youngest one is.  
Q Is Jesse a boy? A Yes sir.  
Q Eve is living is she? A Yes sir.  
Q Jesse and Mariah both living? A Yes sir.  
Q How how old is the last child? A I couldn't say how old it was, whether it was a year old or maybe is not.  
Q Can the child walk? A I don't know whether it can or not, the last time I saw this child it couldn't walk.  
Q How long has it been since you saw the child? A It has been over two months ago.  
Q And the child couldn't walk then? A No sir.  
Q Did your brother Arch Cochran live in the Cherokee Nation continuously all of his life? A Yes sir.  
Q Did he ever make his home anywhere else? A No sir.  
Q Has his wife lived in the Cherokee Nation continuously all of her life? A I couldn't say whether she did or not? I don't know whether she was raised up in Saline District or not.



- Q How long have you known her? A About 4 or 5 years.  
Q Did she live in the Cherokee nation all the time you have known her? A Yes sir.  
Q Did you ever hear of her living outside of the Cherokee Nation?  
A No sir.  
Q Is she a full blood? A Yes sir.  
Q Was your brother Arch Cochran opposed to the enrollment? A I couldn't say whether he did or not.  
Q Do you know why he never appeared before the Commission and made application for the enrollment of his family? A I suppose the reason why he didn't come before the Commission, he was a Night Hawk.  
Q Does he spell his name the same as you do, C-o-o-h-r-a-n? A Yes sir, I guess so, I never have seen him write his name.  
Q Do you know what the name of his wife was before he married her?  
A No sir, I don't.

WITNESS EXCUSED.

SUSIE B. CORNELIUS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q State your name? A Susie B. Cornelius.  
Q Your age? A 32.  
Q Post office? A Rose, I. T.  
Q Did you know Arch Cochran, during his life time? A Yes sir.  
Q He was a brother of the witness, John Cochran? A Yes sir.  
Q You have heard the testimony of John Cochran, have you? A Yes sir.  
Q So far as you know were his statements correct? A Yes sir.  
Q How long have you known Eve, the wife of Arch Cochran? A Why I just couldn't say how long I did know her, he lived down below where I was living. I was living on the Welch Prairie at the time of the payment, his father died at that time, he used to come to my house regular, he was a poor man, and I just couldn't say when his wife died, but I know them well.  
Q Do you think you have known Arch Cochran's wife as far back as the Strip payment? A I just couldn't tell you.  
Q Is she a full blood? A Yes sir, she is a full blood.  
Q Was she always regarded as a recognized Cherokee by blood? A Yes sir.  
Q Did you ever hear her right to enrollment questioned? A No sir.  
Q Did you ever hear of her living outside of the Cherokee Nation?  
A No sir.  
Q Is there any one here you know of who has known her all of her life?  
A There is a woman here, Mrs. Little-dave, is here.

WITNESS EXCUSED.

BETSY LITTLEDAVE, being first duly sworn, testified as follows, through interpreter, JACK WOFFORD:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Betsy Little-dave.  
Q How old are you? A 39.  
Q What is your post office? A Locust Grove.  
Q You are a full blood Cherokee? A Yes sir.  
Q Did you know Arch Cochran during his life time? A Yes sir.

- Q Is he a brother of John Cochran here? A Yes sir.
- Q Do you know his wife? A Yes sir.
- Q What is her name? A Her name is Eh-we in Cherokee, I don't know what her English name is.
- Q Is she living? A Yes sir.
- Q Is she a full blood? A Yes sir.
- Q Do you know the name of her mother? A No sir, I didn't know her name.
- Q Did you know the name of the father of Eh-we? A No sir.
- Q How long have you known Eh-we? A About 6 years I think.
- Q Has she lived in the Cherokee nation all the time during the time you have known her? A Yes sir.
- Q Did you ever hear of her living outside of the Cherokee Nation? A No sir, I couldn't say.
- Q Do you know the name she went by before she married Arch? A No sir, her and Arch were living together with I first knew them.
- Q Do you know her children? A Yes sir, I have seen them but I don't know the names.
- Q How many has she got now? A I never saw her all the time, I just saw her once in a while, the last time I saw her she had two.
- Q Were they both girls or both boys? A In don't know, I think one is a girl though.

WITNESSES EXCUSED.

-----oo-----

Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo H Lesley*

Subscribed and sworn to before me this 27th day of January, 1906.

*J. P. Rasmus*  
Notary Public.

Chv D 2057

Copy

32

IN RE  
THE DEATH OF

Arch Roehran

a citizen of the

Cherokee Nation.

Approved Jan 26. 1906

James D. [Signature]  
Commissioner.

FILED

Jan 26. 1906

[Signature] Commissioner.

copy 32

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

In the matter of the death of Arch Cochran  
(Here insert name of deceased)  
a citizen of the Cherokee Nation, who formerly resided at or near  
Sprainaw, Ind. Ter., and died on the  
January, 1906.  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, John Cochran, on oath state that I am 23  
years of age and a citizen, by Hood of the Cherokee Nation;  
that my postoffice address is Rose, Ind. Ter.; that I am  
Brother of Arch Cochran  
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by Hood of the Cherokee Nation  
and that said Arch Cochran died on the  
January, 1906.  
WITNESSES TO MARK: John Cochran

(Must Be Two Witnesses)  
[Signature]

Subscribed and sworn to before me this 26<sup>th</sup> day of January, 1906.  
J P Rasmus  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western DISTRICT.

I, Lucie P Cornelius, on oath state that I am 32  
years of age, and a citizen by Hood of the Cherokee Nation;  
that my postoffice address is Rose, Ind. Ter.;  
that I was personally acquainted with Arch Cochran  
who was a citizen, by Hood of the Cherokee Nation;  
and that said Arch Cochran died on the  
January, 1906.  
WITNESSES TO MARK: Lucie P Cornelius

(Must Be Two Witnesses)  
[Signature]

Subscribed and sworn to before me this 26 day of January, 1906.  
J P Rasmus  
Notary Public.

[Signature]

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
Muskegee, Ind. Ter. June 22, 1906.

Cherokee 2057

In the matter of the application for the enrollment of  
ARCH COCHRAN ET AL., as citizens by blood of the Cherokee  
Nation.

MINNIE COCHRAN, being first duly sworn, testified as  
follows, through Interpreter, William P. Drew:

- Q. What is your name? A. My name is Minnie Cochran, but they enrolled me as Eve Cochran.
- Q. Your age? A. Twenty-eight.
- Q. What is your postoffice address? A. Locust Grove.
- Q. Are you married? A. Yes, I am married.
- Q. What is the name of your husband? A. Isaac Littledeave
- Q. When were you married to Isaac Littledeave? A. About a month ago.
- Q. Were you married prior to your marriage to Isaac Littledeave?  
A. I was; my former husband died.
- Q. What was your former husband's name? A. Arch Cochran.
- Q. When did your former husband, Arch Cochran, die?  
A. It is going on five months since he died.
- Q. Have you any children by your former husband? A. I have three.
- Q. What are their names? A. My oldest child's name is Mariah,  
second child named Jess, and Aleck.
- Q. Aleck was born since September first, 1902, was he? A. Yes; he  
is only two years old.
- Q. Where were you born? A. Right down here in Delaware District,  
Cherokee Nation.
- Q. What was the name of your father? A. They called him in his  
English name, Doctor. His Cherokee Name was Dar-ya-wah Che-wa-  
loo-ky.
- Q. What was your mother's name? A. Lucy Locust.
- Q. Were your father and mother both Cherokees by blood?  
A. Yes sir, they were.
- Q. Were they both fullbloods? A. Yes sir.
- Q. Is your mother living? A. She is dead.
- Q. Do you know whether your father and mother were both born  
and raised in the Cherokee Nation? A. I know this much, my  
father was born and raised in Delaware District. My mother  
was born in North Carolina, partly raised there and she came  
to this country.
- Q. Do you know about what year your mother came from North Caro-  
lina to this country? A. No, I don't.
- Q. Did she remove from North Carolina to the Cherokee Nation prior  
to the making of the 1880 roll? A. Yes sir.

On the 1880 Roll, at Number 755, the name of Lucy  
Locust appears marked dead. This is probably the mother  
of the applicant, Eve Cochran.

- Q. How long has your mother been dead? A. About twenty-two years.
- Q. About how old would your mother be now if she was living at  
the present time? A. She would have been 69 or 70 years old,  
about.

- Q. Was your former husband, Arch Cochran, a Cherokee by blood? A. He was.
- Q. Was he born and raised in the Cherokee Nation? A. Yes sir.
- Q. When were you and he married--about when? A. Arch and I were married, as near as I can guess, in the years of 1895--almost immediately after the Strip payment.
- Q. Did you and he live continuously in the Cherokee Nation from the time of your marriage up until the time of his death?
- A. Yes sir.
- Q. Did you live continuously in the Cherokee nation from the time of your birth until your marriage to Arch Cochran? A. Yes sir.
- Q. You never have been out of the Cherokee Nation at all?
- A. Never have.
- Q. Was your husband ever out of the Cherokee Nation for any length of time? A. No sir, he never was either.
- Q. Were your husband, Arch Cochran, , and your children, Mariah and Jess Cochran all living on September 1, 1902? A. They were.
- Q. All living in the Cherokee Nation? A. Yes sir.

WITNESS EXCUSED.

ANNIE MEGG being first duly sworn, testified as follows:

- Q. What is your name? A. Annie Megg.
- Q. What is your age? A. Thirty-eight
- Q. What is your postoffice? A. Locust Grove, Indian Territory.
- Q. Are you a Cherokee by blood? A. I am.
- Q. Are you enrolled as a citizen by blood of the Cherokee Nation?
- A. Yes sir.
- Q. Were you born and have you always lived in the Cherokee Nation?
- A. I was born in North Carolina, but I was brought here when I was a baby and since then I have lived continuously in the Cherokee Nation.
- Q. Do you know the applicant, Arch Cochran? A. Yes sir.
- Q. And his wife, Eve Cochran? A. I do.
- Q. Are they related to you? A. His wife is my half-sister.
- Q. Was Eve Cochran's mother and your mother the same person?
- A. Yes sir.
- Q. And she removed from North Carolina to the Cherokee Nation, did she? A. Yes sir.
- Q. What year did she come to the Cherokee Nation, do you know?
- A. I do not know.
- Q. Your mother is dead now is she? A. She is.
- Q. How long has she been dead? A. About twenty-two years.
- Q. Do you know about how old your mother would be if she were living at the present time? A. She would have been I think about sixty-eight if she had been living now.
- Q. You came to the Cherokee Nation at the same time your mother did did you? A. Yes sir.
- Q. And you have lived in the Cherokee Nation continuously since that time? A. Yes sir.
- Q. Do you know where Eve Cochran, your half-sister, was born?
- A. Yes, I know where she was born; she was born in Delaware District, Cherokee Nation.
- Q. Do you know whether she has lived in the Cherokee Nation from the time of her birth to the present time? A. Yes, she has always lived in the Cherokee Nation.
- Q. In what district was your mother living in 1860?

- A. She came to Flint District when she first came out here and from the time she came to this country she was living there until sometime after the year 1880, then she moved to Delaware District and she lived in Delaware District up to the time of her death.

The witness is listed for enrollment as a citizen of the Cherokee Nation on Cherokee card No. 0978 and her name appears upon the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 20686.

- Q. How long had you known Arch Cochran when he died? A. when I first get acquainted with him was in 1894, during the Strip payment, and I have known him ever since.
- Q. He always lived in the Cherokee Nation? that is from the time you became acquainted with him until his death? A. Yes sir
- Q. Do you know of your own personal knowledge that Eve Cochran was born in the Cherokee Nation and has always lived in the Cherokee Nation? A. Yes sir.
- Q. And you know her children were born and have always lived in the Cherokee Nation, do you? A. Yes sir.

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Lucy M. Newman, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the proceedings had in the above entitled cause and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M. Newman

Subscribed and sworn to before me this July 2, 1906.

Chas. E. Webster  
Notary Public.

Cherokee  
D 2057.

Muskogee, Indian Territory, January 27, 1906.

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

Dear Sir:

There is inclosed herewith a copy of supplemental testimony had in the matter of the application for the enrollment of Arch Cochran et al., as citizens by blood of the Cherokee Nation, taken at Muskogee, Indian Territory, on January 26, 1906.

Respectfully,

Incl. GL-87.  
GHL

Acting Commissioner.



Cherokee D-2057.

Muskogee, Indian Territory, February 2, 1906.

Eh-we Cochran,

Spavinaw, Indian Territory.

Dear Madam:

In connection with the application for the enrollment of yourself and children as citizens by blood of the Cherokee Nation, you are advised that before your rights can be determined it will be necessary that further testimony be introduced in order to enable this office to identify your name on the Cherokee tribal roll of 1880, and to show your residence in the Cherokee Nation. It will also be necessary that affidavits as to the birth of your children be filed.

You are, therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes on February 8, 1906, and introduce testimony as above indicated.

Respectfully,

IS

Register

Acting Commissioner.

2  
Cherokee 2057.

Muskogee, Indian Territory, July 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the testimony of June 22, 1906, had in the matter of the application for the enrollment of Arch Cochran, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

~~H. J. ...~~  
Commissioner.

Cherokee  
D. 2057  
N.B. 3391.

COPY

Muskogee, Indian Territory, September 29, 1906.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1906, granting the applications for the enrollment of Arch, Minnie, Jesse, Mariah and Alec Cochran, as citizens by blood of the Cherokee Nation. You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. H.J.-22.  
H.J.C.

*James Bixby*  
Commissioner.

REFER IN REPLY TO THE FOLLOWING.

Cherokee 10978

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

Muskogee, Indian Territory, October 15, 1906.

Minnie Cochran,  
Spavinaw, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1906, granting the application for the enrollment as citizens of the Cherokee Nation, under the provisions of the Act of Congress approved July 1, 1902, of yourself, your husband, Arch Cochran, and children, Jesse and Mariah Cochran, and the application for the enrollment under the Act of Congress approved April 26, 1906, of your child, Alec Cochran.

You are advised that applications for the selections of allotments of land in the Cherokee Nation for yourself, your husband and the above named children can not be received until your names have been placed upon a schedule of citizens of the Cherokee Nation and same is approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

*Tams Bixby.*  
Commissioner.

Incl.P-16  
MCP

Cher 10979

Polly Ann Riley

Cancelled and trans. to IW  
131

Trans. from D946

Cher 10979

CHESTER

Polly Ann Riley

Transferred from 15921

Cher 10980

Nannie Deerhead

Trans. from Cher. M-M. No. 131

Cher 10980

1  
CTB

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

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In the matter of the application for the enrollment of  
NANNIE DEERHEAD  
as a citizen by blood of the Cherokee Nation.

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CHEROKRE MM 131.



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

O R D E R.

WHEREAS, on June 30, 1902, Emmet Starr, a citizen by blood of the Cherokee Nation, appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of all persons whose names appear on the 1880 and 1896 Cherokee tribal rolls, their families and descendants, for whom no application had theretofore been made; and

WHEREAS, said application made by the aforementioned Emmet Starr was for the purpose of listing with the Commission within the time prescribed by law, the applications of all persons whose names were found on said tribal rolls, their families and descendants, for whom no application had been made in person or in their behalf.

IT IS HEREBY ORDERED, That when any Cherokee citizen coming within the class affected by the aforementioned "blanket" application and for whom no other application has been made of record with the Commission, appears before the Commission, his or her application shall be

listed on the records of the Commission as of June 30, 1902, and such application shall be considered as made on said date, and the rights of the person adjudicated accordingly.

TAMM BIXBY  
Chairman.

T. B. NEEDLES,  
Commissioner.

C. R. BRECKINRIDGE,  
Commissioner.

Muskogee, Indian Territory,  
March 30, 1905.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
NOVEMBER 1, 1906, MUSKOGEE, I. T.

In the matter of the alleged application for the enrollment  
of NANNIE DEERHEAD as a citizen by blood of the Cherokee nation.

APPEARANCES:

For Cherokee nation, W. W. Hastings.

EDWARD S. ADAIR, being first duly sworn by B. P. Rasmus, a  
Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Edward S. Adair.  
Q How old are you? A 55.  
Q What is your postoffice? A Choteau.  
Q Are you a Cherokee by blood? A Yes sir.  
Q You appear today in the interest of an orphan minor child, do  
you? A Yes sir.  
Q What is the child's name? A Nannie or Emma, she went by two  
names. I think they give her one name at the Orphan Asylum, she  
went to school there. I don't know which they give, whether it  
was Nannie or Emma.  
Q What is the child's surname? A Deerhead.  
Q Is she living now? A Living now.  
Q With whom does the child live? A Mr. Lindsey, R. W. Lindsey.  
Q Is the child a Cherokee by blood? A Yes sir.  
Q What is the name of its mother? A Ida.  
Q Ida what? A Ida Deerhead was, she afterwards married another  
x man.  
Q Was she a Cherokee? A Yes sir.  
Q Is she living? A No sir, she is dead.  
Q How long has she been dead? A I couldn't tell you just how  
long, she has been dead sometime.  
Q About how many years? A 6 or 7 years I reckon.  
Q About what degree of blood did she have? A She was a full blood.  
Q Do you know the name of the father of Nannie Deerhead? A Yes  
sir.  
Q What was his name? A Will Deerhead, or Billy.  
Q Is he living? A No sir, he is dead.  
Q How long has he been dead? A Between 3 and 4 years.  
Q Was he a full blood? A Yes sir.  
Q Did you know Ida Deerhead most of her life? A Yes sir.  
Q Where did she live? A In the neighborhood in which I live.  
Q Is that Saline District, Cherokee Nation? A Yes sir.  
Q Did she live there all her life? A All of her life.  
Q Where did William Deerhead live all his life? A Well I think he  
was born in Illinois District. Down that way somewhere but then  
I have known him off and on ever since he was a little boy.  
Q Did he live in the Cherokee nation all his life? A Yessir.  
Q How you are sure as to the length of time he has been dead? A  
Well about I think as near as I recollect, he died in 1903.  
Q Was William Deerhead ever known by any other name? A No sir.  
Q Do you know the parents of Ida Deerhead, what were their names?  
A Ida Deerhead's parents?  
Q Yes? A Yes sir.

- Q What were their names? A Lets see now. I don't think she had an English name, they called her E-che-ka, I don't know whether she was known by any other name or not.
- Q Was that her mother? A Yes sir.
- Q What was her father's name, did he have any English name? A Lewis.
- Q Lewis what? A No, I have got it wrong, she was a Christie.
- Q Which, Ida was a Christie? A Ida's father was a Christie.
- Q Did he live in Saline District during his life time? A I think he lived in Tahlequah District.
- Q What was his full name? A Swimmer Christie.
- Q Then Ida, the mother of this child, her maiden name was Ida Christie? A Ida Christie.
- Q Was she known by that name before she married Deerhead? A Well sometimes they would call her Ida Swimmer.
- Q She would take her father's given name for her surname? A Yes sir, I have known them to call her Ida Swimmer but her father was Swimmer Christie.
- Q Do you know which died first, the father or the mother of Ida? A The mother I think. I am not positive but it seems to me like the mother died first.
- Q Was the mother of Ida ever married to any other man? A She married this man Bow. Dave Lynch or Bow. He went by three names, by the name of Downing, Bow and Lynch.
- Q Where did he live? A He lived in Tahlequah District.
- Q Did the mother of Ida live with this man Dave before or after the death of Ida's father? A I don't remember now about that.
- Q Do you know whether Bow has any children living? A Yes sir.
- Q Any of them married? A Yes sir.
- Q Do you know their present name? A One is named Rachel and Jennie.
- Q Who is Rachel the wife of now? A Lets see, one of them is a widow now and I don't know which one, I think it is Rachel is the widow, but one or the other married McLain.
- Q What was his full name? A Luney. It wasn't by this woman though, it was by another woman.
- Q Rachel and Jennie is by another woman besides the mother of Ida? A Yes sir.
- Q What was the Indian name of the mother of Ida? A E-chee-ccc.

Nannie Deerhead is identified on the 1896 Cherokee Census Roll page 986 No. 287 as Nannie Deer Head, a Native Cherokee, aged 3 years, marked "Dead." The name of the mother of Nannie Deerhead cannot be definitely identified on the Cherokee Tribal roll of 1880.

In connection with the application made April 17, 1902, by Thomas Woodall for the enrollment of himself and child, Richard Woodall, who is shown to be a half brother of the applicant, Nannie Deerhead, having the same mother, the mother of Richard Woodall was identified on the 1880 Roll page 735 No. 108 as E-char-cah Bow, Tahlequah District, which is shown to be an erroneous identification as that enrollment has been accepted for Rachel McLain, who is listed on Cherokee Card Field No. 2518 as the wife of Luney McLain. The mother of the mother of the applicant, Nannie Deerhead, is identified on the 1880 Cherokee Tribal Roll page 735 No. 107 as E-chee-ccc Bow, a native Cherokee 24 years of age, marked "Dead," appearing thereon immediately following the name of Dave Bow, a native Cherokee, 30 years of age, marked "Dead." And preceding the name of E-char-cah Bow, a Native Cherokee, which latter enrollment has just stated has been accepted for Rachel McLain, Cherokee Card No. 2518.

- Q Was the mother of Nannie Deerhead always recognized as a Cherokee citizen? A Yes sir.  
Q Her citizenship was never questioned? A No sir.  
Q You state she was a full blood? A She was a full blood.

Ida Deerhead, the mother of this applicant, is identified on the 1896 Cherokee Census Roll, page 1026, No. 1387 as Ida Woodall, age not given, marked "Dead." Tablequah District, appearing thereon with Thomas Woodall and Richard Woodall.

- Q Where has this child Nannie Deerhead lived all her life? A She lived with her Great Uncle.  
Q What was his name? A Charlie Ketcher.  
Q Is he a full blood? A Yes sir.

WITNESS EXCUSED.

NORTHRUP R. LINDSEY, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Northrup R. Lindsey.  
Q How old are you? A 32.  
Q What is your postoffice? A Choteau.  
Q Do you know Nannie Deerhead? A Yes sir.  
Q Is she living? A Yes sir.  
Q About how old is she now? A 12 or 13 years old.  
Q Has she ever been enrolled by the Commissioner or Commission? A Not as I know of, I couldn't say.  
Q With whom does she make her home now? A She is living with my mother at the present time.  
Q How long has she lived with your mother? A About two years.  
Q With whom did she live before she came to your mother's? A Over there with Charlie Ketcher or Tehee.  
Q Do you know whether he enrolled her? A No sir.  
Q The child a full blood? A Yes sir.  
Q How long have you known her? A I have seen her off and on ever since she went up there to old Charlie's, I guess 5 or 6 years.  
Q How long had she lived at Charlie Ketcher's before she went to your mother's? A I really don't know.  
Q Do you know who she lived with before she went to Ketcher's?  
A No sir, she has been to Ketcher's 5 or 6 years to my certain knowledge.  
Q Is she recognized as a Cherokee Indian? A Yes sir.  
Q And entitled to enrollment? A Yes sir.  
Q You didn't know the parents of this child? A No sir.  
Q This child lived in the Cherokee Nation all the time since you have known her? A Yes sir.

WITNESS EXCUSED.

JAMES M. KEYS, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q State your name, age and postoffice? A James M. Keys, 65 years of age, postoffice Pryor Creek, Indian Territory.  
Q You are a Cherokee by blood? A Yes sir.  
Q You are employed as Special Marshal for the Cherokee nation?  
A Yes sir.

- Q You have heard the testimony of Mr. Adair and Mr. Lindsey? A Yes sir.
- Q Do you know this child Mennie? A Yes sir.
- Q Is she recognized as a full blood Cherokee? A Yes sir.
- Q Did you know her parents? A I knew Will Deerhead, her reputed father.
- Q Is he a Cherokee Indian? A Yes sir.
- Q Is this child recognized as the child of William Deerhead? A Yes sir.
- Q About how old would William Deerhead be if living? A Well I could only guess, I would judge he was somewhere between 35 and 40.
- Q Do you know the name of William Deerhead's father? A No sir.
- Q His mother? A No sir.
- Q Both dead are they? A I didn't know them.
- Q Did William Deerhead have any brothers? A I am not able to say.

W I T N E S S E X C U S E D .

EDWARD S. ADAIR RECALLED:

ON BEHALF OF THE COMMISSIONER:

- Q Did William Deerhead have any brothers? A Yes sir.
- Q What were their names? A Osie and John.
- Q Both living now? A John is living, Osie is dead.

William Deerhead is identified on the 1880 Cherokee Authenticated Roll page 626 No. 309 as Wm. Deerhead, Native Cherokee, 8 years of age, marked "Dead." He is also identified on the 1896 Cherokee Census Roll marked "Dead."

- Q William Deerhead live in the Cherokee Nation all his life? A Yes sir.
- Q Is Charles Tãhee a full blood, who is known as a "Night Hawk?" A Yes sir.
- Q Is opposed to enrollment and allotment? A Yes sir.
- Q He refused to make application for his own enrollment? A Yes sir.

A copy of the testimony taken April 17, 1902, in the Cherokee enrollment case of Thomas Woodall, et al., Cherokee 7730 will be filed with and made a part of the record herein.

W I T N E S S E X C U S E D .

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lessley*

Subscribed and sworn to before me this 12th day of November, 1906.

*O. P. Rasmus*  
Notary Public.

OFFICE OF THE ATTORNEY GENERAL  
DIVISION OF THE FIVE CIVIL RIGHTS  
APR 26 1964

TO THE ATTORNEY GENERAL  
FROM THE DIRECTOR OF THE DIVISION OF THE FIVE CIVIL RIGHTS  
SUBJECT: [Illegible]

[The remainder of the document contains several paragraphs of extremely faint and illegible text, likely a memorandum or report.]

G.

D.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Salina, I. T., April 17, 1902.

In the matter of the application of THOMAS WOODALL for the enrollment of himself, his mother and his child as citizens of the Cherokee Nation.

THOMAS WOODALL, being first duly sworn, and being examined, testified as follows: through sworn interpreter James P. Butler:

BY COMMISSION: What is your name? A Thomas Woodall.  
Q What is your age? A Twenty-eight.  
Q What is your postoffice address? A Chouteau.  
Q What District do you live in? A Saline.  
Q Who do you want to enroll besides yourself? A My mother and child.  
Q What is the name of your child? A Richard Woodall.  
Q How old is Richard? A Five.  
Q What is the name of your mother? A Peggy.  
Q Peggy Sharp? A I guess that is it, she lived with a man by that name.  
Q How old is your mother? A Sixty-one.  
Q Have you a wife living? A No sir.  
Q Are you a Cherokee Indian by blood? A Yes sir.  
Q How much Cherokee blood do you claim (Question not answered)  
Q Have you always been recognized as a citizen of the Cherokee Nation? A Yes sir.  
Q Is your name on the rolls of the citizens of that nation?  
A It is on the roll.  
Q What is the name of your father? A Os Woodall.  
Q Is he living? A No sir.  
Q Was he a Cherokee by blood? A Yes sir.  
Q What is the name of your mother? A Peggy.  
Q She is living and is a full blood Cherokee, is she? A Yes sir.  
Q Have you lived in the Cherokee Nation all your life? A Yes sir.  
Q What is the name of the mother of your child Richard?  
A Ida Swimmer.  
Q How long has she been dead? A About four years.  
Q How old was she when she died? A About twenty-nine.  
Q Was she a full blood Cherokee Indian? A Yes sir.  
Q What was the name of her father? A I don't remember.  
Q Do you know the name of her mother? A I don't remember the English name, but the Cherokee of it was Egega.  
Q Was your wife born and raised in Saline District? A Yes sir.  
Q Did she live with her parents when she was a little girl?  
A Yes sir.

JOE COOPER, being first duly sworn, and being examined, testified as follows, through sworn interpreter James P. Butler:

BY COMMISSION: What is your name? A Joe Cooper.  
Q What is your age? A Forty-five.  
Q What is your postoffice address? A Locust Grove.  
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.  
Q Do you know Thomas Woodall, the applicant here? A Yes sir.  
Q Did you know his wife, Ida Swimmer? A Yes sir.  
Q What was the name of her father? A Swimmer Christie.  
Q What was the name of Ida's mother? A I don't know her English name, but her Cherokee name was Egega.  
Q What district were they living in when the 1880 roll was made?  
A I don't know.  
Q When did Ida's father die? A I could not say. He has been dead some time.



Q Was it before the 1880 roll was made? A Swimmer died some time before the 1880 roll was made, this woman's mother since.

Q Do you know if Ida's mother lived with any other man after Swimmer Christie died? A I don't know. This man's wife was enrolled on the 1880 roll as Echarcah Bow.

Q Did the applicant's wife and her mother ever go by the name of Bow? A She was a step-daughter of Bow, and they were enrolled that way.

Q What was Ida's Cherokee name? A E-char-cah.

Q Did they ever live in Tahlequah District?

A I don't know. The old place where they lived is in Tahlequah District.

1880 roll, page 735, #108, E-char-cah Bow, Tahlequah District, age 6

1896 roll, page 1028, #1388, Thomas Woodall, Saline District, age 25

Applicant recalled.

Q By what name was your mother known some twenty-two years ago.

A I don't know.

1880 roll, page 674, #1233, Peggy Woodall, Saline District, age 38.

1880 roll, page 674, #1234, Thomas Woodall, Saline District, age 9.

1896 roll, page 1028, #1387, Ida Woodall, Saline District.

1896 roll, page 1028, #1388, Richard Woodall, infant, Saline Dist.

Q Is your child Richard alive and living with you at this time?

A Yes sir.

Q Is your mother, Peggy Sharp, alive, and living with you at this time? A Yes sir.

Q Is she unable to come and enroll herself?

A She is not able to come.

Q Did your mother live with a man named Jack Murphy in 1894?

A She was a Murphy at one time.

Joe Cooper recalled.

Q Do you know what name Peggy Sharp had in 1896? A Sharp.

Q Was she the wife of John Sharp? A Yes sir, Wash-hand or John Sharp.

1896 roll, page 1018, #1121, Peggie Sharp, Saline District, age 24.

The applicant, his mother and child will be placed upon straight card.

Wm. Hutchinson, being first duly sworn, deposes that as stenographer to the Commission to the Five Civilized Tribes, he correctly received the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

*Wm. Hutchinson*

Subscribed and sworn to before me this 19 day of April, 1898.

*M. D. Jones*  
Notary Public

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

---

In the matter of the application for the enrollment of  
Nannie Deerhead as a citizen by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That in accordance with the order of the Commission to the Five Civilized Tribes of March 30, 1905, application for the enrollment of Nannie Deerhead, who is identified on the Cherokee census roll of 1896 at No. 1387 Tahlequah District as a citizen by blood of the Cherokee Nation, was made to said Commission on June 30, 1902. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on November 1, 1906. A copy of the testimony taken at Salina, Indian Territory, on April 17, 1902, before the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Thomas Woodall, et al., as citizens by blood of the Cherokee Nation, is filed herewith and made a part of the record in this case.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Nannie Deerhead, is a full blood Cherokee Indian; that she is the daughter of one Ida Deerhead, nee Christie, and one William Deerhead, who is identified on the Cherokee authenticated tribal roll of 1880, page 626 No. 309, both deceased. The evidence further shows that said applicant was born in the Cherokee Nation and has continuously resided therein since birth.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Nannie Deerhead is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

  
\_\_\_\_\_  
Commissioner.

Dated at Muskogee, Indian Territory,  
this NOV 27 1906

Muskogee, Indian Territory, November 13, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, November 1, 1906, in the matter of the alleged application for the enrollment of Hannie Deerhead, as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. GL-40.  
GHL

Commissioner.

Cherokee  
W.M. 151.

Muskogee, Indian Territory, December 17, 1906.

R. W. Lindsey,

Choteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 27, 1906, granting the application for the enrollment of your ward, Nannie Deerhead, as a citizen by blood of the Cherokee Nation.

You are advised that you will not be permitted to make an allotment selection for said Nannie Deerhead until her 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,

Encl. N-98.  
JMK.

Commissioner.

Cherokee N.M.131

Muskogee, Indian Territory, November 27, 1906.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 27, 1906, granting the application for the enrollment of Nannie Deerhead as a citizen by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner in this case, a copy of which you will be required to furnish the applicant.

If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl.W-1.  
S.V.

Commissioner.

Cher 10981

Josephus Martin

Trans. from MM- No: 61

Cher 10981

①

①  
C763

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

---

In the matter of the application for the enrollment of  
JOSEPHUS MARTIN  
as a citizen by blood of the Cherokee Nation.

-----

CHEROKEE MS 61

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Ind. Ter. July 24, 1906.

In the matter of the application for the enrollment of  
JOSEPHUS MARTIN as a citizen by blood of the Cherokee Nation.

JOSEPHUS MARTIN being first duly sworn, testified as  
follows:

- Q. What is your name? A. Josephus Martin.  
Q. How old are you? A. 17.  
Q. What is your postoffice? A. It is Alluwe now.  
Q. Are you a Cherokee by blood? A. Yes sir.  
Q. How much blood do you claim? A. About one-half I guess.  
Q. You appear here to-day for the purpose of making an inquiry  
as to your status as a Cherokee citizen do you? A. Yes sir  
Q. Have you ever before this time appeared before the Commission?  
A. No, sir.  
Q. You never made any formal application for enrollment?  
A. No sir.  
Q. Do you know whether anyone has made an application for you?  
A. No sir, I do not.  
Q. What is the name of your mother? A. Peggie Martin  
Q. Was she ever known by any other name? A. I don't know whether  
she was or not; I think she was called by Margaret.  
Q. What was the name of your father? A. Tom Martin.  
Q. Is he living? A. No sir.  
Q. Was he a white man or a Cherokee? A. White man.  
Q. Was your mother a Cherokee? A. Yes sir  
Q. Is your mother living? A. No sir.  
Q. How long has she been dead? A. I guess she died along about  
1897 somewhere about there.

During the past two years there have been numerous  
inquiries as to the status of the applicant as a citizen  
of the Cherokee Nation. Under date of September 12, 1905  
there was received from I. P. Bledsoe, Chouteau, Indian  
Territory, a letter dated September 11, 1905, in regard  
to the enrollment as citizens of the Cherokee Nation of  
Joe or Josephus Martin, a son of Margaret Martin, and Annie  
Dorsey. This letter is filed herewith.

- Q. Have you any brothers or sisters? A. Isom Taylor is my half  
brother; all the rest of them are dead.  
Q. About how old is Isom? A. I don't know.  
Q. Is he older or younger than you? A. Older.  
Q. About how old is he, do you think--Is he a man grown? A. I  
think he is twenty-seven or more, maybe older than that;  
he's a grown man.  
Q. Has he the same mother that you have? A. Yes sir.  
Q. Was his father a white man? A. He was a Choctaw.  
Q. He was not a citizen of the Cherokee Nation, was he? A. Yes  
sir; Oh no, not of the Cherokee Nation.  
Q. Where have you lived all of your life? A. First one place and  
then another, never did stay any place any length of time.  
Q. Where have you lived outside of the Cherokee Nation? A. I have  
lived in the Cherokee Nation; never was in the Choctaw Nation  
that I know of.



Josephus Martin--2

- Q. Well, have you ever lived anywhere outside the Cherokee Nation-- anywhere except in the Cherokee Nation? A. No sir.
- Q. Have you ever been out of the Cherokee Nation for any length of time, outside of being over here, in the Creek Nation.
- A. Yes sir, I have been out?
- Q. When? A. In 1900
- Q. Where were you then? A. Went up in Kansas.
- Q. How long did you stay up there? A. Just went up there and right back.
- Q. Have you ever been outside of the Cherokee nation to stay any length of time? A. No sir.
- Q. Have you ever drawn any money from the Cherokee Nation, or has anyone drawn any for you? A. I don't know whether they have or not.
- Q. Have you ever been recognized as a citizen of the Cherokee Nation? A. I don't know; I guess I have.
- Q. Have you ever attended any of the Cherokee Schools? A. Yes sir.
- Q. What schools? A. The Cherokee Orphan Asylum and the Cherokee Male seminary at Tahlequah.
- Q. They are both supported by the Cherokee Nation? A. Yes sir
- Q. Was your right to attend these schools ever questioned?
- A. No sir.
- Q. What is your mother's correct name, Margaret or something else?
- A. She went by both of them; I do not know just what her right name was.
- Q. Both of what? A. Peggie and Margaret.
- Q. In what district have you made your home most of your life?
- A. In Saline District.
- Q. Was that your mother's home? A. Yes sir, she lived awhile in Canadian and then moved up there in saline district.

Reference is made to Cherokee case No. 10875, which is that of Isom Taylor, a half-brother of the applicant.

The name of Isom Taylor is included in a schedule of citizens by blood of the Cherokee Nation, opposite No. 32557

The applicant is identified on the 1894 Cherokee Pay Roll, page 897, Number 811, as Josephus Martin, being identified thereon with his mother, Peggy Martin, whose name appears opposite Number 810. The name of the applicant can not be identified on the Cherokee census roll of 1896, and from the information given his mother can not be identified upon the roll of 1880.

WILLIAM P. DREW, being first duly sworn, testified as follows:

- Q. What is your name? A. William P. Drew.
- Q. How old are you? A. I am about twenty-six
- Q. What is your postoffice? A. Muskogee, Indian Territory.
- Q. Are you a Cherokee citizen by blood? A. I am.
- Q. You are employed as an Interpreter in the office of the Commissioner? A. I am.
- Q. Do you know this applicant here, Josephus Martin? A. I do.
- Q. How long have you known him? A. About ten years, I suppose; I have known him since the year 1896, I know.
- Q. Where did you get acquainted with him? A. I got acquainted with him at the Orphan Asylum; he and his mother lived up near there, three or four miles from the school.
- Q. Did this applicant attend the Cherokee Orphan Asylum?
- A. He attended after his mother died.

Josephs Martin--3

- Q. Was his mother a Cherokee citizen? A. She was recognized as a Cherokee citizen.
- Q. Do you know whether she spoke the Cherokee language?
- A. Yes, she spoke Cherokee and English both.
- Q. Are only Cherokees by blood permitted to attend the Cherokee Orphan Asylum? A. Yes sir.
- Q. Did you ever hear the right of this applicant to Cherokee citizenship questioned? A. No sir, I never did.
- Q. Was his mother regarded in the community as being a Cherokee by blood? A. Yes sir, so far as I remember.
- 

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the proceedings had in the above entitled cause and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.



Subscribed and sworn to before me this August 3rd, 1906.



Notary Public

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Pryor Creek, I. T., September 10th, 1900.

IN THE MATTER OF THE APPLICATION OF Isom Taylor and wife  
for enrollment as citizens of the Cherokee Nation, and he being  
sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Isom Taylor.  
Q What is your age? A Twenty seven past.  
Q What is your Postoffice? A Selina  
Q What is your District? A Saline.  
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 Three fourths.  
Q What district do you live in? A Saline.  
Q How long have you lived in the Cherokee Nation? A All my  
life.  
Q Are you married? A Yes sir.  
Q Do you apply for your wife? A Yes sir.  
Q Any children? A No sir.  
Q Is your father living? A No sir:  
Q What was his name? A Richard Taylor.  
Q Is your mother living? A No sir.  
Q What was her name? A Margaret Martin.  
Q What is the name of your wife? A Etta Taylor.  
Q How old is she? A Twenty eight.  
Q Is she a Cherokee citizen by blood? A No sir; white woman.  
Q Have you any certificate of marriage? A Yes sir; I have a  
license; I was married in the Choctaw Nation.  
Q Your wife is a white woman, is she? A Yes sir.  
Q What was her name before you married her? A Johnson.  
Q Are you on the roll of 1880? A I suppose I am.  
Q Were you always called Isom Taylor? A Yes sir.

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

How long have you been living continuously in the Cherokee Nation?

A For the last eighteen or nineteen years; since my dad died;  
he has been dead eighteen years.

Q Your father died in the Choctaw Nation? A No sir; Cherokee

Q What district? A Canadian.

Q Were you living there then? A Yes sir.

Q How long had your father been living in the Cherokee Nation  
just before his death? A About eight or ten years.

Q Where were you living? A He and my mother were parted.

Q And you lived with your mother? A I was living with my grand  
father.

Q What is his name? A John Taylor.

Q Where did he live? A Canadian District.

Q What is your grand father's initial? A John Martin Taylor.

Q What is your grand mother's name? A I do not know.

By the Commission.

Q You do not know whether your name is on the roll of 1880, or not

A No sir; I do not know, but I think my father registered me.

Q Was your mother living in 1880? A Yes sir.

Q And her name was Margaret? A Yes sir.

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

Q White woman? A No sir:

Q Did the census takers enroll you four years ago? A No sir.

Q Why? A I do not know; they said I was living in the Choctaw  
nation.

Q Did you draw strip money? A Yes sir; I drew grass money and I drew bread money.

By the Commission:  
(1894 Roll, Page 99, #2098, Ioum Taylor, Canadian District)

The applicant presents a certificate of marriage, certifying that he was married on the 15th of August, 1891, to one, Ida Johnson, a citizen of the United States, under the name of Richard Taylor, said marriage having occurred in the Choctaw Nation: Certificate is duly recorded in the records of Sans Bois County, Choctaw Nation, which certificate of marriage is filed herewith.

His name is not found on the authenticated roll of 1880, nor upon the census roll of 1896, but it is found on the pay roll of 1894, as indicated in the testimony: Satisfactory proof not having been made as to his citizenship, final judgment as to his enrollment will be suspended, and his name, and that of his wife will be placed upon a "Doubtful Card".

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

(Signed) R. R. Unawana.

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

(Signed) G. R. Breckenridge  
Commissioner.

Cherokee D-245.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T., November 23, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Isom Taylor as a citizen by blood of the Cherokee Nation.

It appears that on November 4, 1904, the applicant, his attorney and the attorney for the Cherokee Nation were duly notified by letter that each of them would be given an opportunity to appear before the Commission at Muskogee, Indian Territory, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant appears in person and by attorney I. P. Bledsoe Cherokee Nation by W. W. Hastings.

THOMAS PEGG being duly sworn, testifies as follows, through Interpreter, John Gunter.

BY COMMISSION:

- Q What is your name? A Thomas Pegg.  
Q How old are you? A Forty-eight  
Q What is your post office address? A Salina  
Q Are you a Cherokee Indian by blood? A Yes sir.  
Q Are you acquainted with Isom Taylor? A Yes sir.  
Q How long have you known him? A Fifteen years or more.  
Q Are you any relation to Isom Taylor? A Isom's mother was a half sister of mine.  
Q Where is Isom living? A Right close to where I live, in Saline District.  
Q How long has he lived there to your knowledge? A Ever since I came there, he was there  
Q Did you know the father of Isom Taylor? A No sir.  
Q Was his mother a full-blood Cherokee? A No sir, halfblood  
Q Is Isom's mother living? A No sir, she is dead.  
Q When did she die? A I don't know.  
Q Do you know where your sister, or half-sister, married Isom's father? A No, I don't know.

BY MR. HASTINGS:

- Q You say Isom's mother was a halfblood Cherokee? A Yes sir.  
Q She was your half-sister? A Yes sir.  
Q You and Isom's mother had the same mother? A Yes sir.  
Q Was your mother a full-blood Cherokee? A Yes sir.  
Q And her name was Takie, you said? A No sir, Peggie, Peggie Bighead.

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Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings and testimony in the above case, and that the above is a full true and correct transcript of her stenographic notes thereof.

(Seal)

(Signed) Lucy M. Bowman.

Subscribed and sworn to before me this 8 day of December, 1904.

(Signed) Charles H. Sawyer, Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, January 10, 1905.

SUPPLEMENTAL PROCEEDINGS HAD IN THE MATTER OF THE APPLI-  
CATION FOR THE ENROLLMENT OF ISOM TAYLOR AS A CITIZEN BY BLOOD OF-  
THE CHEROKEE NATION.

JOHN C. WEST being first duly sworn states as follows:

BY THE COMMISSION:

- Q What is your name? A John C. West.
- Q Where do you live, Mr. West? A Muskogee at the present time. My allotment is in the Cherokee Nation.
- Q How old are you? A 62.
- Q Are you a Cherokee by blood? A Yes sir.
- Q Are you acquainted with a person by the name of Isom Taylor?
- A No sir.
- Q You are not personally acquainted with Isom Taylor? A No sir.
- Q Mr. West the names of the parents of Isom Taylor, as shown by the Commission's records, are Richard Taylor, the father, and Mary Martin, the mother. Are you acquainted with either of the parents of this boy? A I knew Richard Taylor, but I don't know the woman by Mary, her name was Peggy. She was a full blood Cherokee and if she had any other name I didn't know it. She lived with a man by the name of Walker Cary.
- Q Where did you know Richard Taylor? A I knew him on Canadian River.
- Q In the Cherokee Nation? A No he lived in the Choctaw Nation the time I knew him and his girl lived on this side in the Cherokee Nation. It was a bout '66 or '67 when they were married, the best of my knowledge.
- Q Was Richard Taylor married at that time? A No sir, he was a young man.
- Q Were you acquainted with the woman he afterward married, whose name you say was Peggy? A Yes sir.
- Q What was her maiden name? A That is the only name that I knew her by.
- Q She was a fullblood Cherokee? A Yes sir.
- Q Was Richard Taylor a Cherokee Indian by blood? A His father was a Cherokee and his mother was a Choctaw was my understandin. Now I know Taylor was a Cherokee but his mother, I don't know, I think she was a Choctaw.
- Q Did Richard Taylor ever live in the Cherokee Nation to your knowledge? A No sir, I can't say whether he did or not. I have been at Peggy's house after she married a white man.
- Q Did she marry a white man after Taylor's death? A Yes she married a white man but I don't remember of Taylor dying at all.
- Q Well she had lived with Taylor prior to her marriage to this white man? A Yes sir.
- Q Did you ever see this boy, Isom Taylor? A No sir, I don't remember that I ever saw him.

Q You don't know anything relative to their children? A Not a thing.

BY MR. BLEDSOE:

Q Where did this woman Peggy live? A In what they called Gap Prairie in the Canadian District.

Q Do you know where this Richard Taylor lived? A No sir.

Q Was Peggy always considered a Cherokee Indian? A Yes, sir.

Q Was Richard Taylor always considered a Cherokee? A Yes sir.

Q You know they had some children? A No sir, I don't know.

Q And their residence was in Canadian District? A Yes sir, the time I knew them.

Q About when was that? A The best of my knowledge '94 or '95, it might have been prior to that, I don't know.

Q Did you know anything about Peggy having any brothers? A No, sir.

BY THE COMMISSION:

Q You saw Peggy did you, about the time, or prior to her marriage to Taylor, had you ever seen her? A Yes, sir.

Q Did you say she was then living with Walker Cary? A Yes sir.

Q When was that? A In '66.

Q Then do you know where she lived from that time on until you knew her living with a white man in the Cherokee Nation? A They went to the Choctaw Nation next after they were married and then the next time I heard she was living with a white man in the Canadian District.

Q When was the next time you heard of her after '66? A It was about '94 or '95, or it might have been before that.

Q And you don't know where she lived from '66 until '94 or '95, except you understood she lived in the Choctaw Nation? A That is where they went when they were married.

BY MR. BLEDSOE:

Q You don't know of your own knowledge what time they came back to the Cherokee Nation? A No sir.

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OPAL GRIGGS being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 10th day or January 1905, and that the above is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

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

(Seal)

(Signed) W. S. Hawkins,

Notary Public.

Cherokee D-245.

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

FPB

DECL

In the matter of the application for the enrollment  
of Isom Taylor et al. as citizens of the Cherokee Nation.

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

The record in this case shows that on September 10, 1900 Isom Taylor appeared before the Commission, at Pryor Creek, Indian Territory, and made application for the enrollment of himself, as a citizen by blood, and his wife, Etta Taylor, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on November 23, 1904 and January 10, 1905. Therights of the said Etta Taylor, being differently classified, are not passed upon in this decision.

The evidence in this case shows that the applicant, Isom Taylor, was about 27 years of age at the time of his application for enrollment; that he is a Cherokee Indian by blood; that he was born in the Cherokee Nation; and that he has made his home continuously therein. He is identified upon the 1894 Strip Payment Roll, Canadian District, opposite number 2098.

It is, therefore, the opinion of this Commission that Isom Taylor should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby

Chairman.

(Signed) T. B. Needles

Commissioner.

(Signed) C. R. Breckenridge.

Commissioner.

Muskogee, Indian Territory,  
Mar. 21 1905.



Lola M. Champlin, being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy of the record in the case of Isaac Taylor, and that the same is a true and correct copy of said record.

Lola M. Champlin

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

Chas. Webster  
Notary Public.

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

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In the matter of the application for the enrollment of  
Josephus Martin as a citizen by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on September 11, 1905, a communication was addressed to the Commissioner to the Five Civilized Tribes, whereby application was made for the enrollment of Josephus Martin as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, July 24, 1906. A copy of the testimony taken before the Commission to the Five Civilized Tribes at Pryor Creek, Indian Territory, on September 10, 1900, at Muskogee, Indian Territory, November 23, 1904, and January 10, 1905, in the matter of the application for the enrollment of Isom Taylor as a citizen of the Cherokee Nation, and a decision of the Commission to the Five Civilized Tribes dated March 21, 1905, granting the application for the enrollment of the said Isom Taylor, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Josephus Martin, is the minor son of one Margaret Martin, deceased, who was a Cherokee by blood; that he was born in the Cherokee Nation and has continuously resided in said Nation since birth; that he is a half brother (having the same mother, and both claiming the right to enrollment through her) to one Isom Taylor, a regularly enrolled citizen by blood of the Cherokee Nation, his name appearing upon a partial roll of citizens thereof, approved by the Secretary of the Interior July 27, 1905, opposite No. 32557. Said applicant is duly identified on the Cherokee strip payment roll of 1894.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Josephus Martin is entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

  
\_\_\_\_\_  
Commissioner.

Dated at Muskogee, Indian Territory,  
this NOV 27 1906

COMM. ...  
No. 12638  
Received  
1905 SEP 12 1905

INDEXED

*W. W. ...*

Bledsoe, I.P.,  
Choteau, I.T.,  
Cherokee Nation,  
Sep. 11, 1905.

relative to right of Joe or  
Josephus Martin and Annie  
Downing to Cherokee citizenship.

CHE... MENT

*Can not identify*

I. P. BLEDSOE

ATTORNEY AT LAW - PRACTICAL  
SURVEYOR - REAL  
ESTATE MAN - CITIZENS LOCATED

ALL BUSINESS BEFORE THE  
DAWES COMMISSION AND  
DEPARTMENTS AT WASH-  
INGTON, D. C. GIVEN SPEC-  
IAL ATTENTION

CHOUTEAU, I. T. Sept 11 1905

Dear Sirs:

I write you to know if  
Joe or Josephus Martin Cher - age  
18 or 19 - orphan - Saline Dist.  
mother's name "Margaret", he  
being half brother of Isom Lay-  
lor - (also Annie Downing  
age 18 - Cher - orphan - Saline  
Dist - Father Benny Downing  
These two cases Joe Martin &  
Annie Downing as I have  
been informed are meritor-  
ous cases & should be enrolled  
on straight card, but it seems  
from some mishap that they  
have been entirely ignored, as  
I do not even find their names on  
the ad. list, but as they now  
stand and appear, they are lost  
not through any act of their

I. P. BLEDSOE

ATTORNEY AT LAW PRACTICAL  
SURVEYOR-REAL  
STATE MAN CITIZENS LOCATED

ALL BUSINESS BEFORE THE  
DAWES COMMISSION AND  
DEPARTMENTS AT WASH-  
INGTON, D. C. GIVEN SPEC-  
IAL ATTENTION

CHOUTEAU, I. T. ....

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own, both being minors and  
yet such, but owing to the  
carelessness of our Chero-  
kee officials in not having  
them placed on the rolls prop-  
erly, they are about  $3/4$  Chero-  
okee and  $1/4$  white - please give  
this matter your immediate  
attention and investigate the Cher-  
okee orphan Asylum roll & see  
if they are not thereon now  
I intend to see that these two  
Cher. children are enrolled &  
get their land, if not already en-  
rolled, & I want time to get the nec-  
essary witnesses to establish  
their cases beyond any doubt, so  
please notify me at your earliest  
convenience & oblige

Very Resply. I. P. Bledsoe

Cherokee M M 61.

Muskogee, Indian Territory, August 10, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the record of proceedings had in the matter of the application for the enrollment of Josephus Martin, as a citizen by blood of the Cherokee Nation.

Respectfully,

M.A. Encl. 9-4.

Commissioner.

Cherokee  
M.M.61.

Muskogee, Indian Territory, November 27, 1906.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 27, 1906, granting the application for the enrollment of Josephus Martin as a citizen by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner in this case, a copy of which you will be required to furnish the applicant.

If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Encl.H-15.  
JMH.

Commissioner.

Cherokee  
M.M.61.

Muskegee, Indian Territory, December 17, 1906.

Josephus Martin,

Alluwe, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 27, 1906, granting your application for enrollment as a citizen by blood of the Cherokee Nation.

You are 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 and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

*James D. Dwyer*

Encl. H-94  
JMH

Commissioner.



Cher 10982

Betty Dunn

Trans. from MM 40

Cher 10982

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JANUARY 3, 1906.

In the matter of the application for the enrollment of  
BETTIE DUNN as a citizen by blood of the Cherokee Nation.

APPEARANCES: W. W. Hastings on behalf Cherokee nation; Applicant  
in person.

BETTIE DUNN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Bettie Dunn.  
Q How old are you? A About 35.  
Q What is your post office? A Nowata.  
Q Are you an Indian by blood? A Yes sir.  
Q What Tribe? A Delaware.  
Q Are you a Cherokee-Delaware, do you claim to belong to the Delaware Tribe that is a part of the Cherokee Tribe now? A Yes sir.  
Q What is the name of your mother? A Indian name?  
Q Yes and English name both? A Qua-to-che.  
Q What is her English name? A Sallie.  
Q Sallie what? A Thompson, course she was married.  
Q What is her married name? A Thompson, I think.  
Q Is she living? A Yes sir.  
Q What is the name of your father? A Alex Conner.  
Q Is he living? A No sir.  
Q When did he die? Has he been dead a long time? A Yes sir, about two or three years.  
Q Have you ever made application for enrollment as a citizen of the Cherokee nation, did you ever go before the Dawes Commission and apply for enrollment? A No sir, I wasn't here at the time.  
Q Where were you? A I was in Oklahoma.  
Q Have you ever been recognized as a citizen of the Cherokee nation?  
A Yes sir.  
Q Have you ever drawn any money as a member of one of the Tribes in Oklahoma? A No sir.  
Q Did you ever have any land allotted you in Oklahoma? A No sir.  
Q When did you leave the Cherokee nation, how long ago? A About a year ago.  
Q Where did you live before that? A There was Court going on at the time,-- I had to be there.  
Q Had to be where? A There at the Court in Oklahoma.  
Q Did you go from here to Court about a year ago out in Oklahoma?  
A (No response).  
Q How old were you the first time you left the Cherokee Nation? A I never left it.  
Q Were you born in the Cherokee nation? A Yes sir.  
Q Where have you made your home all of your life? A I have stayed with Sol's mother lots of time.  
Q Who is Sol? A Solomon Armstrong.  
Q What is his mother's name? A Mary Besion.  
Q Did you ever have any other name besides Dunn and Conner? A No sir.

BY MR. HASTINGS.

- Q Where were you married? A Up in the State.

- Q In Kansas? A Yes sir.
- Q When were you married up there, how many years ago? A I couldn't tell you how many.
- Q Now no use to be scared what we want to know is your best judgment after thinking the matter over. Have you any children? A No sir.
- Q Have you been married two years, five years or ten years, or 15 or 20, your best judgment, no use to be scared, we just want to ask you about it. Don't you remember when you were married, about how long ago? A It has been over 9 years ago.
- Q Were you ever married more than one time? A No sir.
- Q Married a man by the name of Dunn up there? A Yes sir.
- Q Who were you living with up there when you married? A We were living at home.
- Q With your father and mother at that time? A No sir.
- Q You say you were living at home, who were you living with before you married? A I was with Mrs. Bezion before I married.
- Q Up in Kansas? A No sir.
- Q Where were you living when you married, in what State or Territory? A We were living in the Territory.
- Q Now how long had you been up there in Kansas when you married?  
A (No response).
- Q Did you just go up there or were you living up there? A No sir, just went and married and come on back.
- Q Where were you living at down here? A After we were married?
- Q No just before, say you were married today, say two or three days before that where had you been living near what town? A No wata.
- Q Near what town were you born, were you born in Kansas? A No sir.
- Q Born in the Territory? A Yes sir.
- Q Where do you remember, near what town? A (No response).
- Q Now where were you 5 years ago, we were up at Nowata making a roll 5 years ago last fall perhaps in October, the Commission was there in October, I believe of 1900, now where were you then?  
A I was out in Oklahoma to trial.
- Q You said awhile ago you went out there about a year ago, have you been out there ever since? A No sir.
- Q When did you come back to the Cherokee nation? A I didn't stay there but a week or two weeks.
- Q Where did you go from there? A (No response).
- Q You stated awhile ago you went out there a year ago, now you say when we were up there 5 years ago you were out in Oklahoma? A I was out there at the time when you folks had the enrollment at Bartlesville.
- Q Did you go before the Commission then? A I couldn't go.
- Q Why? A Cause Court was going on.
- Q In Oklahoma? A Yes sir.
- Q At what town? A Pawnee.
- Q Were you a witness out there? A No sir.
- Q Were you a defendant or what? A I was out there for trial.
- Q Yourself? A Yes sir.
- Q Now where have you been since that time? A Here in the Cherokee nation, never been anywhere else only there.

ON BEHALF OF THE COMMISSIONER:

- Q Do you know any one named Lizzie Conner? A No sir.
- Q Have you got some brothers and sisters? A Yes sir.
- Q Give their names, the name of your oldest brother? A The oldest brother, I don't know all the children cause I never was with them much, is Albert Conner.
- Q Well the next one? A And Willie Conner, but they just half brothers to me.
- Q Got any more half brothers? A Yes sir.

- Q What are their names? A I just got one by my mother, that is Henry Jackson and Eliza, that is my sister by my mother, on mother's side.
- Q Have you got any half sister's on your father's side that you know of? A Yes sir.
- Q What are their names? A I don't know the names but they were on my step mother's side, I never paid much attention.
- Q What was your step mother's name? A Cause my father ~~fixed~~ left us when I was a little bit of a child.
- Q Now when you were a little girl what was your mother's name, what was her English name? A I never hear of any only the Indian name.
- Q And that is Qua-tu-che? A Yes sir.

BY MR. HASTINGS:

- Q Is your mother alive? A yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Is Henry Jackson living now? A Yes sir.
- Q Is he enrolled? A yes sir.
- Q Has he got a wife? A No sir, he is just a little child, about 13, I don't know how old he is, I am the oldest child mother has got.
- Q What is the child just next to you that your mother has got? A I don't remember, there was several of them, just the two that is alive now, Eliza and Henry.
- Q Are they your full brother and sister? A Yes sir.
- Q Did they ever call you by any other name besides Bettie? A I don't remember or not.
- Q Have you got an Indian name? A Yes sir.
- Q What is your Indian name? A Oo-la-tah, but I aint heard that since I was a little bit of a girl.

BY MR. HASTINGS:

- Q What was your name in 1896, when the Census was being taken up there? A I don't know.
- Q Did you go by the name of Conner until you married Dunn? A Yes sir.
- Q Always by the name of Bettie Conner? A Yes sir.
- Q And you married about 9 years ago? A Yes sir.
- Q Then you were either Conner or Dunn in 1896? A Yes sir.
- Q Who were you living with just at the time you married Dunn?
- A Mrs. Besion.
- Q How long had you been living with her? A A long time.
- Q Is she relative of yours? A She just took me to raise.
- Q Was her name always Besion? A No sir.
- Q What was her name in 1896, was it Besion? A Her name was Smith.
- Q When you married what was her name? A Her name was Smith.
- Q How long had it been Smith say when you married? A (No response).
- Q What was her first name? A Mary.
- Q Mary Besion or Smith? A yes sir.
- Q What was this man's name? A Thompson.
- Q What was Mary Besion other husband's name, was it Stephen? A The one she has got now is named Stephen.

ON BEHALF OF THE COMMISSIONER:

- Q Are you part Shawnee? A My mother is Shawnee.
- Q Half Shawnee and half Delaware? A Yes sir.

WITNESS EXCUSED.

SOLOMON F. ARMSTRONG, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Solomon F. Armstrong.  
Q How old are you? A 40.  
Q What is your post office? A Delaware.  
Q You are a Delaware citizen of the Cherokee Nation? A Yes sir.  
Q Do you know this applicant here, BettieDunn? A Yes sir.  
Q Is she related to you? A No sir.  
Q It doesn't appear that any application has ever been made for her enrollment, do you know why? A No sir, I don't.  
Q Do you know where she was born? A In Cooweescoowee district, Cedar Creek.  
Q In the Cherokee nation? A Yes sir.  
Q How long did she continue to live in the Cherokee nation after her birth? A I think she lived in the Cherokee nation all the time after her birth excepting one time she went to Carlisle, Pennsylvania, to school, that is the only time I knew she was out of the nation.  
Q Do you know about how old she was at that time? A No sir, not exactly, I think she was about 15 or 16 years old.  
Q How long do you know did she stay at school? A I think she went, --I think she stayed there 3 or 4 months, she may have stayed longer, I don't remember exactly.  
Q Then where did she go? A Right in the neighborhood off and on after she got back, she come and stayed with us awhile.  
Q In your family? A Yes sir.  
Q What is your mother's name? A Mary C. Bezoin at present.  
Q How long did she live in your family? A I think about 10 years.  
Q Then do you know where she went? A They left us and went to Big Creek and I don't know who they were living with at that time.  
Q Was that about the time she married? A No sir.  
Q Did you ever know of her living outside of the Cherokee nation?  
A No sir.  
Q She testified she went over in Oklahoma, do you know anything about that? A No sir, only what she told me, that she went out there on some trial or d her.  
Q Do you know why no application has never been made for her enrollment? A No sir, I don't.  
Q Has she always been recognized among the Delawares as a citizen of the Cherokee nation? A Yes sir.

BY MR. HASTINGS:

- Q Does she live up there now? A Yes sir.  
Q How far does she live from you? A There in Nowata.  
Q How long to your personal knowledge has she been living at Nowata? A She come up there in Nowata only just a few months I think.  
Q Where did she go from when she went to Nowata? A from Bartlesville.  
Q In town? A No sir, out in the country there, she owns a place the rebout 8 miles.  
Q Did you know her over there near Bartlesville? A Yes sir.  
Q Is she living with her husband named Dunn? A No sir.  
Q How long did she live with him? A I think they lived together 4 or 5 years.  
Q Did they live on a farm? A Yes sir.  
Q Did they ever live together outside of the Cherokee nation? A Not to my knowledge.  
Q Then so far as you know this woman has always lived, excepting for a short time while at school and in Oklahoma, she has lived here in the Cherokee Nation? A Yes sir.

Q But you don't know why no application was made for her enrollment?

A No sir.

Q When did you first find that out? A It was last spring when I heard some parties talking, I think I heard Mr. Willy talking and he said he was going to get her on the roll and I said she must be on the roll and he said she wasn't, and that he was going to kah-lequah to get her on the roll, and I saw her about it and she give me a Power of Attorney and I come here to see about it.

W I T N E S S E X C U S E D .

RETTIE DUNN RECALLED:

ON BEHALF OF THE COMMISSIONER:

Q How much Delaware blood do you claim? A Full blood.

The applicant's mother is identified as being listed for enrollment on Delaware-Cherokee card No. 141, as Qua-tucke-che and her name appears on the roll of Delaware citizens of the Cherokee nation opposite no. 148. Her name is identified on the 1880 Authenticated roll of citizens of the Cherokee nation opposite No. 2262 on page 158, Cooweescoowee District, as Quatuck-a-che. No nationality, age or sex is given for her, and her name is followed by the following notation: "Added by the Revising Committee (Copyist)."

There is identified on the 1880 Roll, Cooweescoowee District, page 152, No. 2154, a Oo-tah-yah-tah, which is in the same hand writing and is followed by the same notation as the name of Quah-tuck-a-che, the notation being also, in the same hand writing and no age, sex or nationality appears after the name appearing opposite No. 2154. The word "dead" appears after the name appearing opposite No. 2154, and that name being similar to the Indian name which the applicant gives, that enrollment is here cited for identification, if it is determined that that is the 1880 enrollment of the applicant. The applicant's name is identified on the 1896 Delaware Pay Roll, page 7, Census roll No. 399, Pay roll No. 266, as Betey Dunn.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lessley*

Subscribed and sworn to before me this 8th day of January, 1906.

*Myron White*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JANUARY 11, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of BETTIE DUNN as a citizen by blood of the Cherokee Nation.

MARY C. BEZION, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Mary C. Bezion.
- Q How old are you? A I am 56, going on 57.
- Q What is your post office? A Delaware.
- Q You are a Delaware citizen of the Cherokee Nation, are you? A Yes sir.
- Q You are enrolled as such? A Yes sir.
- Q What is the name of your husband, your present husband? A Stephen Bezion.
- Q He is a Delaware is he? A Yes sir.
- Q Do you know Bettie Dunn the woman who is now about 35 years of age and whose father she gave as Alex Gonner? A Yes sir, I know her.
- Q Is she any relation to you? A No sir.
- Q How long have you known her? A I have known her since she was born, I was present when she was born.
- Q Where was she born? A At Cedar Creek.
- Q In the Cherokee Nation? A Yes sir.
- Q How far did you live from her when she was born? A I don't hardly know. It was from Cedar Creek to Goody's Bluff, I couldn't tell how many miles, I lived at Goody's Bluff.
- Q Cedar Creek and Goody's Bluff are located in the same section of country? A Yes sir, used to be called Cooweescoowee District.
- Q Where was she raised until she was about grown? A When she was born she got a grand father and grand mother living and her grand father died and then only her grand mother, they were living around until she was about 5 years old and the old lady died. Then her mother, she was a cripple, and she goes around back and forward all over the country, and finally I beg her to give me this little girl, of course it isn't any kin to me, my first husband is a distant kin,-- and I beg her to give it to me and she wouldn't do it and she said she wasn't a dog to be given away from her, and I told her if she wanted to stay with her baby she could stay with me too, and I took care of her and sent her to school.
- Q How old was she? A She was 5 years old.
- Q How long did she live with you? A She lived with me right there and I sent her to school, and I guess it was about 5 years then she went to, we sent her to Quapaw Mission and then from that we transferred her to Carlisle, Pennsylvania, and she come home to my house right there with me in 1892 and she didn't stay only about 6 months with me and she goes here and there,--I couldn't control her any more and I quit her then.
- Q Now in 1892 when she came back to your house how old was she then? A I couldn't really say, she be 35 years old next June 14.
- Q She was a grown woman when she come back from Carlisle? A Yes sir.
- Q Now before 1892 had she lived in the Cherokee Nation all of her life? A She was in school.
- Q Outside of the time she was away to school had she lived in the Nation all her life? A Of course, that is where she belonged in the Nation, only this school that takes her away.
- Q That is the only time she ever lived out of the Cherokee nation before 1892? A Yes sir, ever since that she was right here in the Cherokee Nation.

- Q Now after 1892 she lived with you about 6 months you said, then where did she go? A I couldn't tell you where she go, I seen her pretty near every other day passing by in a buggy, I don't know where she say, here and there.
- Q Would she be in the Cherokee Nation all the time? A Yes sir, she was in the Cherokee nation and finally she got married and lived on a farm.
- Q What was the name of her husband? A Joe Dunn.
- Q They separated did they? A They separated.
- Q Do you know where they were married? A I wasn't present when they were married but they say they were married, and then they sign her name Dunn, they must have got married, I couldn't swear to that.
- Q How often have you seen her since she left your place in 1892? A I have seen, couldn't tell how many different times inside of-----
- Q Do you think you have missed her as much as a year or two years at a time? A No sir, I don't, I have seen her very near, pretty near every other day, I don't remember ever I missed her a year because I aint never pay much attention to her ever since she left me. Of course she come and talk to me and shake hands with me and be awful good to me yet, we never fell out or nothing.
- Q Has she ever lived outside of the Cherokee nation since she left you in 1892? A Not that I know of.
- Q Did you ever hear of her living outside of the Cherokee nation? A Not as I know of, never did hear of it.
- Q Did you ever hear whether she was married up in Kansas or not? A No sir.
- Q Did you ever hear about her living out in Oklahoma? A No sir, she went to visit there, I know when she went to visit, her and another woman.
- Q Over in the Osage Nation? A Not in the Osage nation, it is the Shawnee, they went visiting, that other woman, Wilson girl---
- Q Was that the Shawnees in Kansas or Oklahoma? A Oklahoma, they went visiting there, they came there that fall.
- Q Do you know whether she got into any trouble out there and was tried? A Not as I know of.
- Q What was the name of her mother? A You beat me, we called her widow Short-tail, her mother was a Qua-tuck-che, she is living yet.
- Q That is Bettie Dunn's mother? A Yes sir.
- Q Whereabouts does she live? A She stays there yesterday with Young, a man named old man Young.
- Q That in the Cherokee Nation? A Yes sir, right close to Nowata.
- Q Has her mother lived in the Cherokee Nation all her life, Qua-tuck-che, ever since she came here with the Delawares? A Yes sir.
- Q Is Qua-tuck-che the woman that gave this girl to you? A She wouldn't give it to me but I took it away from her and keep her too
- Q Now is Qua-tuck-che the mother or grand mother of Bettie Dunn? A Bettie Dunn's own mother, I was present when she was born, Bettie Dunn.
- Q Do you know the name of the father of Bettie Dunn? A They claim it is Alexander Conner.
- Q He is a Delaware? A Yes sir.
- Q Do you know why Bettie Dunn never applied for enrollment to the Dawes Commission? A I don't know.
- Q Your husband applied for your enrollment and his enrollment at Bartlesville in 1900 didn't he? Did he apply at Bartlesville or Nowata? A I have nothing to do with Bettie Dunn at that time.
- Q I say your husband applied for you then? A Yes sir.
- Q Do you remember the time that there 5 years ago this last October, in 1900, you remember the time when all the Delawares and Cherokees were going before the Commission out in the field and making application for enrollment? A Yes sir.



- Q Do you know where Bettie Dunn was then? A Well I cantell where she is then at that time. She was right there in the Caney bottom.
- Q That is the Cherokee Nation? A That is in the Cherokee Nation. That is the time her foot was sore long time, she was setting back in the house there, that is the reason they parted.
- Q Has her mother had anything to do with her or her affairs since she became of age? A No sir, I don't think.
- Q Do you know Bettie Dunn's Delaware name? A Yes sir.
- Q What is it? A Oo-lah, that is what like to be Betsy, and Oo-la-ea ha-quah the full name, we call her Oo-lah.
- Q as Bettie Dunn always been recognized as a citizen of the Cherokee Nation? A Why of course, couldn't be nothing else, her mother is a citizen.
- Q Has she always drawn money with the Delawares? A Yes sir, drawn money all the time.
- Q Were you ever appointed her guardian by the Cherokee Courts?
- A No sir, they never appointed me guardian or nothing, but I took care of her like my own child.
- Q Do you know how many times she ever drew money? A I lost all my papers, I had it and put it in the bank and she come back, after she got back from Carlisle, and she had \$700.00, J. J. Barndollar had me to put that in the bank at Coffeyville and when she came back she took a little every week and finally she said grand-mother I want to get all my money and I said to J. J. Barndollar let her do what she pleases with that money.
- Q Was that money she had drawn from the Cherokee Nation? A Some of it was Delaware money.
- Q Was Bettie Dunn ever married more than one time? A That is the only one time I know.
- Q Did you ever know of her living with any other man besides Dunn?
- A That is more than I can tell you. That is the reason she didn't stay with me? She didn't stay with me and I don't know what she was doing way out there.
- Q Do you know about when it was she went visiting over in Oklahoma?
- A No sir, I don't.
- Q Do you know about how long she stayed over there? A No sir, I don't know how long she stayed, but I guess it must be about three months.
- Q Outside of that did you ever know of her visiting any place else?
- A No sir, I don't.
- Q Did you ever hear of her called by any other Indian name except the one you gave? A No sir, I didn't hear anybody else call her different.
- Q Did you ever know anybody by the name of Oo-tah-yah-tah? A No sir, I didn't, I never hear that.
- Q Did Bettie Dunn ever live with her father? A No sir.
- Q Do you know whether Bettie Dunn has ever made any effort to get enrolled until right here recently, right lately? A Yes sir.
- Q Do you know what she did? A No sir, only John Willy asked me if I could identify her, look like they were going to put her on a doubtful roll and I said what is the reason, Bettie was born and stayed here all the time only her schooling. That is all I hear is what John Willy said. If she has got another name I don't know it.

Q Is she a full blood Delaware? A She is a full blood Delaware.

Q Always recognized as a citizen? A Yes sir.

WITNESS EXCUSED.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lessley*

Subscribed and sworn to before me this 12th day of January, 1906.

*B. P. Ramus*

Notary Public.

DEPT. OF THE TREASURY  
COMMISSIONER TO THE FINANCIAL INDUSTRY REGULATOR

FILED

JAN 25 1906

*[Handwritten signature]*  
COMMISSIONER

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JANUARY 25, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of BETTIE DUNN as a citizen by blood of the Cherokee Nation.

APPEARANCES:

For Applicant, No Appearance.

For Cherokee Nation, J. S. Davenport on behalf of W. W. Hastings.

CHARLIE JAMES, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Charlie James.  
Q How old are you? A I am 38.  
Q What is your post office? A Nowata.  
Q Are you a citizen of the Cherokee Nation? A By marriage.  
Q Do you know Bettie Dunn the applicant in this case? A Yes sir.  
Q How long have you known her? A I have known her for about 12 years.  
Q Is she a Delaware by blood? A Yes sir.  
Q Do you know the name of her father? A No sir.  
Q Do you know the name of her mother? A Yes sir.  
Q What is her name? A Qua-tuck-oh.  
Q Is she living? A Yes sir.  
Q Is she a Delaware? A Yes sir.  
Q By what name did you first know Bettie Dunn? A I knowed her by the name of Bettie Conner.  
Q Did you ever know her by any other names besides those two?  
A No sir.  
Q Did you ever hear of her being ~~is~~ called by any other name?  
A No sir, not as I know of.  
Q Where has she been during the time that you have known her? A I don't know anything more than what she has told me, she told me the reason why she didn't get on was because she was in jail in Oklahoma in the '90's some where, I don't know just when.  
Q Do you know what she was in jail for? A No sir, I don't.  
Q Do you know how long she was in jail? A No sir, I don't.  
Q Outside of the time she was in jail in the last 12 years where has she been? A Just first one place and then another, all over Oklahoma and up into Kansas, just been around first one place and then another.  
Q Do you know about how much Delaware blood she has? A I think that she is about one half blood Delaware and about one half blood Shawnee, she is pratty near a full blood Indian.  
Q How far has she lived from you at any one time? A We have lived right in side of 3 or 4 miles of one another for the last 4 or 5 years, what time she was around. She would be here and there.  
Q You only know of her whereabouts just from time to time as you would hear of her, is that it? A Yes sir.  
Q You can not state definitely where she has lived for the past 12 years? A Yes sir, but I know of her being there 12 years ago.

- Q You don't know how much of the time she has spent in the Cherokee Nation and how much out? A No sir, I couldn't say for that.
- Q Do you know her Delaware name, did you ever hear it? A Yes sir, I have heard it, they called her O-lah.
- Q Do you know whether she has ever lived with any man besides Dunn? A Yes sir, she lived with Ed Newcomb awhile.
- Q Do you know about how long ago that was? A It has been about 8 or 9 years ago.
- Q Was she known by the name of Bettie Newcomb? A No sir, she wasn't known by that, they were just living together.
- Q Do you know about how long they lived together? A Off and on for about two years.
- Q Did they have any children? A They had one child?
- Q Is it living? A No sir, it is dead.
- Q Did you know of her living with any other man? A No sir, I don't, only Dunn.

-----oOo-----

Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lesley*

Subscribed and sworn to before me this 25th day of January, 1906.

*Myron White*  
Notary Public.

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

---

In the matter of the application for the enrollment of  
Bettie Dunn as a citizen of the Cherokee Nation of Delaware blood.

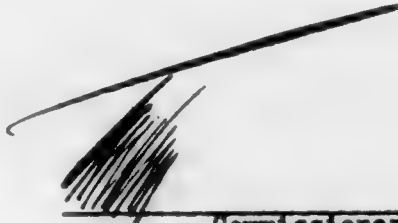
D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That prior to December 1, 1905, communications were received at the office of the Commission to the Five Civilized Tribes, whereby application was made for the enrollment of Bettie Dunn as a citizen of the Cherokee Nation of Delaware blood. Further proceedings in the matter of said application were had before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on January 3, 11, and 25, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Bettie Dunn, is of Delaware blood; that she is the daughter of one Qua-tucke-che, a full blood Delaware Indian, who is identified as Pa-mah-pun-nox-qua on the register of Delaware Indians, who removed to the Cherokee Nation and became citizens thereof in compliance with the agreement between the Cherokee Nation and the Delaware tribe of Indians of April 8, 1867. The said Qua-tucke-che is duly identified on the Cherokee authenticated tribal roll of 1880 as Mrs. Curley-head, and her name appears on the roll of Delaware citizens of the Cherokee Nation approved by the Secretary of the Interior May 17, 1904, opposite No. 148. The evidence further shows that said applicant was born subsequent to the removal of her mother to the Cherokee Nation, and excepting occasional absences from the Cherokee Nation for temporary purposes, which are not considered by this office to be of such a nature as would forfeit her right to Cherokee citizenship, has continuously resided in said Nation since birth. Said applicant is duly identified

on the 1896 Delaware pay roll page seven, census roll No. 399, pay roll No. 266 as Betsy Dunn.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Bettie Dunn is entitled to enrollment as a citizen of the Cherokee Nation of Delaware blood, and her application for enrollment as such is accordingly granted.



Commissioner.

Dated at Muskogee, Indian Territory,  
this NOV 23 1906

INDEXED.

AUG 6 1903

21940

AUG 7 1903

Lawson, E. R.,  
Nowata, T. T.,  
August 1, 1903.

Relative to enrollment of Bet-  
tie Dunn.

AUG 3 REC.



Office of  
E. B. Lawson,  
Attorney at Law.

Nowata, I. T. August 1<sup>st</sup> 1903

The Dawes Commission,

Tahlequah, I. T.

Gentlemen:- Some time ago I wrote you concerning the enrollment of Bettie Dunn a full blood Delaware woman. this woman has lived in the Cherokee Nation all her life but for reasons known only to herself failed to go before the Commission to be enrolled; some time ago you wrote me you would take the matter up at any time; please write me when you will take this matter up and I will have her brought down together with her witnesses.

The maiden name of this woman was Bettie Conner; her father was Alex. Conner and her mother was a woman by name Qua-tux-ic whether or not the woman is on the 1880 & 1896 rolls I am unable to state, but she is on all the Delaware pay rolls.

Yours very truly,

E. B. Lawson

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- COMMISSION TO FIVE TRIBES			
NO.	Received	ANSWERS	
		Book	Page
1100	220		

Lawson, E. B.,  
 Nowata, I. T.,  
 April 16, 1903.

Asks status of case of Bettie  
 Dunn.

Office of  
E. B. Lawson,  
Attorney at Law.

Newala, I. T. April 16<sup>th</sup> 1903

The Commission to the Five Tribes.

Vinita, I. T.

Gentlemen:- A full blood Delaware Indian woman, was in my office today, and informed me that she had never been before the Commission making up the final roll and that she supposes that her name is not on the final roll.

The present name of the woman is BETTIE DUNN and she is the wife of one Joe Dunn.

She is the daughter Quatuxie. the indian name of Bettie Dunn is OLIBE. before marriage her name was Bettie or Lucy Genner. I am informed that her name is on the 1880 & 1898 rolls, and that she has drawn money. She appears to be a woman somewhere about 25 to 30 years old but her exact age I could not learn. she seems to be little more than half witted and failed to go before the Commission for the reason that she did not know any better.

Please examine the roll and let me know her exact status, and it may be that some one has enrolled her.

It would seem that she should be enrolled and if there is any provision or any way for such a case please inform me.

Your early reply will be appreciated.

Yours very truly,

E. B. Lawson

INDEXED.


APR 29 1903

Lawson, E. B.,  
Nowata, I. T.,  
April 24, 1903.

Asks if he may present appli-  
cation for Cherokee citizen-  
ship of certain person April  
30th.

CHERO. LAND OFFICE. /

Office of  
E. B. Lawson,  
Attorney at Law.

Newala, I. T. Apr. 24" 1903

The Commission to the Five Tribes,

Muskogee, I. T.

Gentlemen:- Reference is had to our former correspondence relative to the Full blood Delaware woman, Bettie Dunn, in which you say that you are unable to find her name on the 1880 roll or as an applicant for enrollment as a Citizen of the Cherokee Nation.

The Indian name of the woman was "OLITIE", and her English name was Lucy Conner, being the daughter of Alex. Conner a Delaware and his wife, Quatuxie.

I find on the Authenticated roll of 1880 "Cooweescoowee Dist", number 511, Lucy Conner, aged 13 yrs. a Delaware girl.

I have no doubt but that this is the woman referred to.

I shall be in Muskogee on Thursday April 30" 1903 and I should very much desire authority from the Commission to present her application on that date.

Kindly let me have your response to this matter by return mail if convenient so that I may be able to write the woman and get her hereto accompany me to Muskogee or Vinita as the Commission shall suggest.

Yours very truly,

E. B. Lawson

-COPY-

D.C. 21940

Nowata, I. T. August 1<sup>st</sup> 1903.

The Dawes Commission,

Tahlequah, I. T.

Gentlemen:-

Some time ago I wrote you concerning the enrollment of Bettie Dunn a full blood Delaware woman. This woman has lived in the Cherokee Nation all her life but for reasons known only to herself failed to go before the Commission to be enrolled; some time ago you wrote me you would take the matter up at any time; please write me when you will take this matter up and I will have her brought down together with her witnesses.

The maiden name of this woman was Bettie Conner; her father was Alex. Conner and her mother was a woman by name Qua-tux-ie.

Whether or not the woman is on the 1880 & 1896 rolls I am unable to state, but she is on all the Delaware pay rolls.

Yours very truly,

E. B. Lawson.

Muskogee, Indian Territory, January 15, 1906.

Bettie Dunn,

c/o Solomon Armstrong,

Delaware, Indian Territory.

Dear Madam:

In connection with your claim for enrollment as a citizen of the Cherokee Nation of Delaware blood, you are advised that if you have any further testimony to offer tending to show whether or not your name is identified on the 1880 or 1896 Cherokee Tribal rolls, you will be given an opportunity to present such evidence at the office of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, January 25, 1906.

Respectfully,

GHL

Commissioner.

Muskogee, Indian Territory, February 3, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings of January 25, 1906, in the matter of the claim for enrollment as a citizen by blood of the Cherokee Nation of Bettie Dunn.

Respectfully,

Incl. GL-1.  
GHL

Acting Commissioner.



INDEXED

RECEIVED

INDEXED

NO.

26619 JUN 28 1906

Lawson, E. B.,  
Nowata, I. T.,  
Cherokee Nation,  
June 27, 1906.

Relative to right to enrollment  
as a Cherokee of Bettie Dunn,

Office of  
E. B. Lawson,  
Attorney at Law.

11139-03  
11004-03  
= 1040 05

18746-03

Nowata, I. T.

6/27/1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Ind. Ter.

My dear Sir:--- Some time in the spring or summer of 1903 I had some correspondence with your office relative to the enrollment as a citizen of the Cherokee Nation of one Bettie Dunn. On the 15th day of April 1903 I was employed by Bettie Dunn to look up her citizenship case and did look it up during the summer of 1903 and found that the records failed to show that she was on any of the rolls except the Delaware pay roll'

I quit the case in the latter part of the summer of 1903 as I failed to get anything out of it.

If I am not mistaken Mr. Van Leuven took some testimony of some kind in this matter at Dewey during the year 1902 or 1903 but I do not know this as it was simply hearsay on my part and I was not present.

I made no application for her except informed the Commission of my employment in the matter and had the commission look up the status of the matter.

I have burned all the correspondence I ever had relative to the matter from any source.

Yours very truly,

E. B. Lawson

Muskogee, Indian Territory, September 6, 1906

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

Dear Sir:

In connection with the application of Bettie Dunn for enrollment as a citizen of the Cherokee Nation of Delaware blood, you are advised that said applicant has this day been notified that she will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 28, 1906, and introduce further testimony in her case.

The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in said case.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, September 6, 1906

Bettie Dunn,

Care of Solomon Armstrong,

Delaware, Indian Territory.

Dear Madam:

The records of this office show that you appeared before the Commissioner to the Five Civilized Tribes and made application for enrollment as a citizen of the Cherokee Nation of Delaware blood. You are advised that in order to definitely determine your right to enrollment as a citizen by blood of the Cherokee Nation it will be necessary that further testimony be introduced showing what right, if any, you have to such enrollment.

You are advised that you will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 28, 1906, and introduce further testimony in your case.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said case.

Respectfully,

L M S

Acting Commissioner

Muskogee, Indian Territory, September 11, 1906

Solomon F. Armstrong,

Delaware, Indian Territory.

Dear Sir:

In reply to your letter of September 4, asking whether the application for the enrollment of one Bettie Dunn as a citizen of the Cherokee Nation, has been accepted or rejected, you are advised that the records of this office show that Bettie Dunn made application for enrollment as a citizen of the Cherokee Nation, but that no action has been taken in said case.

You are further advised that on September 6, a letter was addressed to Bettie Dunn, Delaware, Indian Territory, in your care, notifying her that she will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, on Friday, September 28, and introduce such testimony as she may desire, in support of her said application.

Solomon Armstrong--8

The Cherokee Nation has also been notified  
that it will be permitted to appear on the same date and  
introduce such testimony as it desires in said case.

Respectfully,

L M B

Commissioner

Cherokee  
N.M.C.

copy.

Muskogee, Indian Territory, November 23, 1906.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 23, 1906, granting the application for the enrollment of Bettie Dunn as a citizen of the Cherokee Nation of Delaware blood.

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

Respectfully,

Encl. H-20.  
JNH.

W. W. Hastings.  
*Jams Dixby,*  
Commissioner.

Cherokee

MM40

Muskogee, Indian Territory, December 11, 1906

Sol F. Armstrong,

Delaware, Indian Territory.

Dear sir:

In reply to your letter of November 30, relative to the Cherokee enrollment case of Nettie Dunn, you are advised that a decision will be prepared in the case upon the evidence heretofore transmitted, and the applicant will be notified of any action taken in the matter.

Respectfully,

L M B.

Commissioner



Cherokee  
N.M.40.

Muskogee, Indian Territory, December 17, 1906.

Bettie Dunn,

c/o Solomon F. Armstrong,

Delaware, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 23, 1906, granting your application for enrollment as a citizen of the Cherokee Nation of Delaware blood.

You are 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,

Encl. N-93  
JMH

Commissioner.

Cher 10983

Annie Downing

see 9358

Trans. from D3021

Cher 10983

S

CHEROKEE

10983

ANNIE DOWNING, ETAL

GRANTED  
DEC. 3, 1906

See Cher. 9358

Transferred from Cher. D-3021

10983

cher 10984 John Steele

Granted Jan 25, 1907

Trans from D-2828

cher 10984

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES HULLITT, ET AL.,  
for enrollment as citizens of the Cherokee Nation:

FRANK STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q. What is your name? A. Frank Starr.  
Q. What is your age? A. Thirty one years.  
Q. What is your post office address? A. Cherokee, I. T.  
Q. Are you a citizen by blood of the Cherokee Nation?  
A. Yes sir, I am.  
Q. For whom do you desire to make application for enrollment?  
A. For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

John Steele #355 Delaware District;  
Endora Steel #470 Delaware District;  
Eva Steele #354 Delaware District;  
Steele, Lena #355 Delaware District.

- Q. Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A. I desire to apply for the following named persons on the 1880  
Cherokee roll, their families and their descendants:

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.

Subscribed and sworn to before me this December 9, 1902.

THE ...  
REPORTED THE ...  
CHARGE OF ...

MAY 7 1908

I know when we ...  
was born in 180 ...

He said I can ...  
I could not ...

I am ...  
I am ...

of ...  
Y. ...

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, Indian Territory, January 21st, 1903.

-----X  
In the matter of the application of )  
John Steele for the enrollment of him- )  
self and children, Eva and Lena Steele )  
as citizens of the Cherokee Nation of )  
Shawnee blood, and his wife, Endora )  
Steele, as a citizen by intermarriage )  
of the Cherokee Nation. )  
-----X

Supplemental to D-2822.

Appearances:

Applicant appears in person.  
W. W. Hastings for Cherokee Nation.

John Steele, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. John Steele.
- Q. How old are you? A. I will soon be 54.
- Q. What is your post office address? A. Afton.
- Q. Are you a Shawnee Indian? A. Yes, sir; by adoption.
- Q. Are you an Indian by blood? A. No, sir.
- Q. You are a white man, are you? A. Yes, sir.
- Q. You say you are a Shawnee by adoption? A. Yes, sir.
- Q. Did you come to the Cherokee Nation with the Shawnees in 1871? A. I come in '70.
- Q. Is your name on the register of Shawnees who came at that time? A. Yes, sir.
- Q. Who did you come with? A. I come wight with Chief Rogers, the chief of the Shawnee Nation.
- Q. Was your mother living then? A. No, sir; my mother died when I was small.
- Q. You weren't married then, were you? A. Yes, sir; married to a Shawnee woman.
- Q. What was her name? A. It was Mary.
- Q. She was a Shawnee Indian, was she? A. Yes, sir.
- Q. She was the woman through whom you got your rights as a Shawnee? A. Yes, sir.
- Q. Did you have any children then? A. Yes, sir; had one.
- Q. What was its name? A. James.

It appears from an examination of the copy of the Shawnee Register in the possession of the Commission that the applicant is identified thereon, number 620.

- Q. What part of the Cherokee Nation did you come to in 1870? A. On Horse creek near Afton.
- Q. What district? A. Delaware.
- Q. How long did you and your wife Mary continue to live there? A. We lived there four years, I believe.
- Q. And then what? Did she die? A. No, she left me.
- Q. Is she living? A. Yes, sir. She has been married several times.

Q. She left you about four years after you came to this country? A. Yes, sir.

Q. Did you continue to live there? A. I lived there a while, then my health gave out and I went to Colorado.

Q. When did you go to Colorado? A. I went there in '79.

Q. Did you have any children then? A. Only the one.

Q. James? A. Yes, sir.

Q. Did he go with you? A. No, sir.

Q. You went alone? A. Yes, sir.

Q. How long did you stay in Colorado? A. I stayed there about a year, then I come back out here on the strip.

Q. That was in 1880? A. In the fall of 1880 I come.

Q. How long did you stay? A. About 2 years, then I went back to Colorado.

Q. You were still sick? A. No, I wasn't sick then. I was working out for wages.

Q. How long did you stay out in Colorado that second time? A. Two years.

Q. Then where did you go? A. I come back right in that same country on the strip.

Q. How long did you stay there that time? A. Stayed there two years that time.

Q. What were you doing? A. Working for a man, working on cattle.

Q. Working for wages? A. Yes, sir.

Q. When where did you go? A. Then I went to Kansas.

Q. What were you going in Kansas? A. I was working up there for a while.

Q. Working at what? A. I was working for a farmer, on a farm.

Q. How long did you stay up in Kansas? A. A year and a half.

Q. When where did you go? A. I come back down here in the Neosho river.

Q. In the Cherokee Nation? A. Yes, sir; close to Miami.

Q. Have you been in the Cherokee Nation since? A. I been here ever since. I stayed there two years, then I come out near Afton.

Q. Have you been living at that place ever since? A. Until two years--two years ago I moved to Afton on account of sending the children to school.

Q. Have you been living in the Cherokee Nation since 1888? A. '89.

Q. Never been out since then? A. No, sir.

Q. When did you marry your wife Endora? A. '88.

Q. She is a white woman? A. Yes, sir.

Q. Did you have a divorce from your first wife? A. I got a man named Johnson to write down there. He said he got a divorce.

Q. What was Johnson? A. He was a Shawnee.

Q. Did he get a divorce? A. That is what he said. He read it.

Q. Did you see it? A. I can't read.

Q. Have you any papers to show that? A. No, sir.

Q. In what court did you get that divorce? A. He said it was from Tahlequah.

Q. Do you know whether your wife Mary was living in Tahlequah district? A. No.

Q. Do you know where she lived after she left you? A. I think she---this lower district.

Q. Is she still living? A. I don't know. That is what I heard. I haven't seen her since '74.

Q. Is this man Johnson living? A. No, he has been dead a good while.

Q. That is all you know about the divorce? A. Yes, sir.



- Q. Endora is your second wife? A. Yes, sir.  
 Q. You have just been married twice, have you? A. Yes, sir.  
 Q. Was your present wife ever married before? A. No, sir.  
 Q. You are her first husband? A. Yes, sir.  
 Q. When were you married to her? A. In '88.  
 Q. Who married you? A. A Notary Public in Wyandotte county,  
 Kansas.  
 Q. Notary Public? A. I mean Justice of the Peace.  
 Q. Have you got a marriage certificate? A. I have got it  
 at home.

The applicant is required to furnished the Commission with a certificate of his marriage to his wife Endora Steele.

- Q. Have you and your wife Endora been living together ever since you were married? A. Yes, sir.  
 Q. Never been separated at all, have you? A. Not only about 3 or 4 nights; that is when I was away.  
 Q. Living together in the Cherokee Nation? A. About 3 or 4 or 5 months after.  
 Q. Five months after what? A. After we were married.  
 Q. You were married up in Kansas? A. Yes, sir. Just before the first child was born we went up there.  
 Q. And stayed up there a little while? A. Yes, sir; until after it was born.  
 Q. With that exception you and your wife have been living in the Cherokee Nation all the time? A. Yes, sir.  
 Q. How many children have you? A. I have three now.  
 Q. What are their names? A. Eva, Lena and Minnie.  
 Q. When was Minnie born? A. Minnie will be six years old the last day of this month, I believe. Eva was born in ninty-----  
 Q. Are these three children by your wife Endora? A. Yes, sir. It seems to me that Eva was born in '94.  
 Q. Your wife is living? A. Yes, sir.  
 Q. Your three children are living? A. Yes, sir.

Examination by Mr. Hastings.

- Q. Near what place in Kansas were you married? A. Near Kansas City; near Wyandotte.  
 Q. How long had you been there before you were married?  
 Q. When we went to get married that time I wasn't there but about two weeks. I was down below there.  
 Q. Who did you vote for for president in 1888, the year you were married, Harrison or Cleveland? A. I don't know whether I voted for Cleveland or not. I don't think I did.  
 Q. Who did you vote for for governor? A. I don't know.  
 Q. Who did you vote for for member of congress? A. I don't know.  
 Q. Did you ever vote up there? A. I don't know.  
 Q. You would remember it? A. I don't know. I don't remember. I voted in Colorado once.  
 Q. Who did you vote for out there? A. The man that got shot.  
 Q. Garfield? A. Garfield.  
 Q. You don't remember voting in 1884, the next time? A. No, I don't remember. I don't think I did. I was working for Major Drum.  
 Q. On the strip? A. On the Canadian river.  
 Q. You don't remember of voting for anybody in Kansas?  
 A. No, sir.  
 Q. Did you vote for state officers out in Colorado?  
 A. No, I just voted for president.  
 Q. No children had been born to you when you and your last wife came back?

A. Not before we come back the first time.  
Q. You are a white man? A. Yes, sir.

Examination by the Commission.

Q. Now, Mr. Steele, it appears that on June 30th, 1902, at Muskogee, application was made for your enrollment and the enrollment of your wife Endora and your two children Eva and Lena Steele. Now you say you have three children? A. Yes, sir.

Q. Have you ever made application for the enrollment of the youngest one? A. When it was born I sent to the clerk and he sent me back a receipt.

Q. What clerk? A. Delaware district.

Q. I am asking whether you ever made any application before the Commission. No, not personally. I come here three times. I couldn't get it. I went to a lawyer and he wanted \$50 to fix it.

Q. Application was made for yourself, your wife and two children and under the act of Congress of July 1st, 1902, the Commission has no authority to receive any applications. We cannot receive any application for this child Minnie. Now, before your wife can be enrolled it will be necessary to prove your divorce from your first wife. A. The man that got that he just read it to me. He done all my writing back and forth all the time. That is all I can say about it.

Q. What are your children's ages; how old is Eva? A. She was born in '90, in June; I will say. I think that is it. I won't be positive.

Q. How old is Lena? A. She was born in '94, in October. I know when we enrolled on the Dickson roll they said she was too late. I remember that.

---

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 7<sup>th</sup> day of March, 1903.

*Samuel Foreman*  
Notary Public.

**FILED**  
**FEB 20 1905**  
**COMMISSION TO FIVE TRIBES.**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., FEBRUARY 20, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ENDORA STEELE as a citizen by intermarriage of the Cherokee Nation, and Minnie Steele as a citizen by blood of the Cherokee Nation.

JOHN STEELE, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A John Steele.  
Q Are you a Cherokee by blood? A Registered Shawnee.  
Q Are you married? A Yes sir.  
Q What is the name of your wife? A Endora Steele.  
Q Is she a white woman? A Yes sir.  
Q She claims no rights as an Indian by blood? A No sir.  
Q Whatever rights she claims, she claims through you by intermarriage? A Yes sir.  
Q When were you married to her? A '88 or '87.  
Q Where were you married? A In Kansas.  
Q Where were you living at that time? A I was living up there then and I come right back afterwards.  
Q Where was she living? A In Kansas.  
Q How soon after your marriage to her did you and she move down to the Cherokee Nation? A Three days I believe.  
Q Since then have you and she lived together as husband and wife?  
A Yes sir.  
Q Where? A In the Cherokee Nation.  
Q Have you made your home anywhere else than in the Cherokee Nation since your marriage? A No sir not any length of time.  
Q You always had your home in the Cherokee Nation? A Yes sir.  
Q Your wife with you? A Yes sir.  
Q Have you got a child called Minnie? A Yes sir.  
Q How old is she? A Eight years old.  
Q When was she born? A In 1897.  
Q Do you know the date? A The last day of January.  
Q January 31, 1897? A Yes sir.  
Q Is that child living? A Yes sir.  
Q Is Endora the mother? A Yes sir.  
Q Were you present when Minnie was born? A Yes sir.

-----oO-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereon.

*George H. Lessley*

Subscribed and sworn to before me this 20th day of February, 1905.

*H. MacArthur*  
Notary Public.

---

IN RE  
Application for Enrollment of  
INFANT CHILD

.....Minnie Steele  
as a citizen of

Cherokee Nation.

---

Approved 2/ 27 1905

C. R. Breckinridge  
Commissioner.

---

Appl.n. for Enrollment  
6;30/01  
Listed " "  
/20/05

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE  
FIVE CIVILIZED TRIBES

F I L E D

FEB 27 1905

Tans Bixby  
Chairman

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Minnie Steele, Here insert name of child. born on the 31st day of January, 1897  
Name of Father: John Steele a citizen of the Cherokee Nation.  
Name of Mother: Endora Steele a citizen of the Cherokee Nation.  
Postoffice Afton, I.T.

**AFFIDAVIT OF MOTHER.**

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Second Recording DISTRICT. }

I, Endora Steele, on oath state that I am 42 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of John Steele, who is a citizen, by blood, of the Cherokee Nation; that a female child was born to me on 31st day of January, 1897; that said child has been named Minnie Steele, and is now living.

Endora Steele

WITNESSES TO MARK:

(Must be Two Witnesses.) }  
H. A. Tallon  
R. A. Judd

Subscribed and sworn to before me this 21st day of February, 1905

(S E A L)

My Commission expires Aug. 2nd, 1908

R. A. Judd

Notary Public.

**AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.**

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Second Recording DISTRICT. }

I, Joe Donohoo, a Physician, on oath state that I attended on Mrs. Endora Steele, wife of John Steele, on the 31st day of January, 1897; that there was born to her on said date a female child; that said child is now living and is said to have been named Minnie Steele

J. Donohoo MD.

WITNESSES TO MARK:

(Must be Two Witnesses.) }  
M. A. Tallon  
R. A. Judd

Subscribed and sworn to before me this 21st day of February, 1905

(S E A L)

My Commission expires Aug 2nd 1908

R. A. Judd

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., JANUARY 26, 1903.

In the matter of the application of John Steele for the enrollment of himself and children, Eva and Lena Steele, as citizens of the Cherokee Nation of Shawnee blood, and his wife, Endora Steele as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES:

Applicant appears in person.

JOHN STEELE being duly sworn, testifies as follows:

- Q State your name? A John Steele.  
Q Your age? A Fifty-six  
Q Postoffice address? A Afton  
Q Have you ever been before this Commission before?  
A Yes, sir, I was before the Dawes Commission before.  
Q Do you remember how long since you appeared before them?  
A I think it is about two years, as well as I recollect.  
Q Where did you appear? A Vinita, I. T.  
Q In your testimony given before the Commission at Vinita, Indian Territory, on January 21, 1903, you referred to several trips you made out of the Cherokee Nation, since you came here in 1870, when did you make your first trip out of the Cherokee Nation? A In '78 I believe it was.  
Q Where did you go? A I went to Texas then.  
Q How long did you remain in Texas? A Just one winter.  
Q And from Texas where did you go? A Back into the Cherokee Nation, it was called then, and then to Colorado.  
Q How long did you live in Colorado? A I was there a little over a year that time.  
Q Then where did you go? A I went back down in the Cherokee Nation; it is what is called the Strip now, was in the Nation then.  
Q How long did you remain in the Cherokee Nation at that time?  
A About four months. I was herding cattle.  
Q Did you leave the Nation again after that? A Yes sir.  
Q Where did you go? A Went into Kansas then.  
Q How long did you live in Kansas? A I was there a little while; I took up some cattle, I couldn't say just how long I was there, I was working on the range.  
Q You can't say how long you were in Kansas on that trip?  
A Might have been about a month and a half or two months.  
Q Then where did you go to? A Went to Colorado that time.  
Q How long did you live in Colorado? A About two or three months I reckon.  
Q Where did you go from Colorado? A Came back to the Strip, Cherokee Nation.  
Q What year was that, do you remember? A Well, I know I was there in '82

- Q But this particular trip, do you remember what year that was, when you returned to the Cherokee nation? A No, I don't.
- Q How long did you remain in the Cherokee Nation that trip? A All winter; three or four months.
- Q Then where did you go? A I think then I went up into Kansas.
- Q How long did you stay in Kansas that trip? A I think I was there about three months.
- Q Where did you go from Kansas? A I come right back.
- Q To the Cherokee Nation? A Yes, sir.
- Q How long did you remain in the Cherokee nation that time? A Well, I think four or five months, may be longer.
- Q Did you make any other trips out of the Cherokee nation after your return that time? A No, I think that was the time I went back when my child was born, I told you of; I think I stayed there two months, that time, I think that was the time.
- Q What year was that, Mr. Steele? A I think that was in '69.
- Q Now then, there was a period of ten years that you were in and out of the Cherokee Nation from when you made your first trip in '79?
- A There was one time I was out two years at one time.
- Q What two years were you absent from the Cherokee Nation? A Must have been about '79, I reckon.
- Q , Mr. Steele, how long, at any one time, since you came to the Cherokee nation in 1870, have you been absent from the Cherokee Nation? A I don't think it would exceed two year; I don't think it was two year really at any one time.
- Q Have you ever been absent from the Cherokee nation, at any one time, over two years? A I don't think I have, not at one time.
- Q Don't you know? A No, I could not say how long I was away, I never paid no attention to it.
- Q When you were before the Commission at Vinita, January 21, 1903, in answer to the question --"How long did you stay out in Colorado that second time"- you answered-"Two years." Is that correct? A Well, sir, I don't know; It must have been somewhere near correct. I won't say it was correct or wasn't. Now, then, these trips in all, out of the Cherokee Nation, cover a period of about nine or ten years, do they not?
- A Well, not hardly; Well, yes, in all about, as you said. Yes sir.
- Q Mr. Steele, when did you first acquire property in the Cherokee Nation?
- A In '69 was the first, I came here in '69 and bought a claim.
- Q How long did you hold that claim? A I kept it a couple of years, or more, that claim.
- Q Was that the only claim that you have owned in the Cherokee Nation? A Oh, no sir.
- Q Well give me an account of the different properties you have owned in the Cherokee nation? A Well, in '70 about, I bought a place from General Stan Watie, on Horse Creek.
- Q How long did you hold that claim? A I held that about two years.
- Q Have you owned any claim since? A Yes sir.
- Q Give an account of them? A I traded, and I bought another place from Trott.
- Q How long did you hold that place? A About a year.
- Q Did you own any property in the Cherokee Nation during the time that you were in and out of the Cherokee Nation?
- A Yes sir, I had a claim here with a house on it.



- Q Then you have always owned property in the Cherokee Nation since coming here in '70? A Very near all the time, there was one year, or two about that I was up here at Blue Jacket that I rented.
- Q Then except the two years you rented you have owned property ever since coming to the Cherokee Nation with the Shawnees?
- A Yes sir.
- Q You have a child named Minnie? A Yes sir.
- Q How old is she? A She will be eight years old the 9th day of January, 1905.
- Q Has she always been a member of your family? A Yes sir.
- Q She is living with you at this time? A Yes sir.
- Q Was living with you on June 30, 1902? A Yes, sir.
- Q She is a daughter of your self and wife, Endorn Steele?
- A Yes sir, and a full sister of the other two children.
- Q Have you a son named James Steele? A Yes sir.
- Q About how old is he? A Born September 10, '71.
- Q Do you know whether or not he has made application for enrollment as an adopted Shawnee? A He told me that he was already filed.
- Q What is his post office address? A Welch, I.T.
- Q What was his mother's name? A Mary Campbell.
- Q That is her present name? A Yes, sir.
- Q What was her name at the time he was born? A Mary S Steele
- Q Did Mary Steele come to the Cherokee Nation with you? A Yes sir
- Q Do you know where she has been living since? A No, I could not say where she has been all the time.
- Q Do you know how many times she has been married since leaving you? A No sir, could not say about that.
- Q You say her present name is Campbell? A Yes sir, Mary Campbell
- Q Do you know her last husband's given name? A No sir, I never saw him.
- Q Do you know her present postoffice address? No, He is dead, and I don't know anything about her postoffice.

-o-o-o-o-o-o-o-o-o-o-

The records of this Commission show that one James Steele son of John and Mary Steele, is duly listed for enrollment on Cherokee straight card No. 3257, as a Cherokee citizen of Shawnee blood; and that one Mary Campbell, formerly Mary Steele, has been listed for enrollment by this Commission on Cherokee straight card No. 10144, as a Cherokee citizen of Shawnee blood.

-o-o-o-o-o:-o-o-o-o-

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly reported the proceedings had in this cause on the first above mentioned date, and that the above and foregoing is a full, true and correct transcript of her stenographic notes therein.

*Lucy M. Bowman*

Subscribed and sworn to before me this 27th day of January, 1905.

*H. M. ...*  
Notary Public.

CD 2828

Entered 3/1/05

IN RE

Application for Enrollment of  
INFANT CHILD

*Winnid Steele*  
as a citizen of

*Charokee* Nation

Approved 2/27-1905 ✓

*C. R. Buchanan*  
Commissioner

Appilin for Enrollment 6/30/02  
Listed " " 2/7/05

COMMISSIONER

THIRD

FILED

FEB 27



CHAIRMAN

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Minnie Steel, born on the 31<sup>st</sup> day of January, 1897  
(Here insert name of child.)  
Name of Father: John Steel a citizen of the Cherokee Nation.  
Name of Mother: Endora Steel a citizen of the Cherokee Nation.  
Postoffice Apton S.S.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Second Recording DISTRICT.

I, Endora Steel, on oath state that I am 47  
years of age and a citizen by Apton of the Cherokee Nation;  
that I am the lawful wife of John Steel who is a citizen, by  
Blood of the Cherokee Nation; that a Female child was  
(Males Female.)  
born to me on the 31<sup>st</sup> day of January, 1897, that said child has been named  
Minnie Steel, and is now living. Endora Steel

WITNESSES TO MARK:

(Must be Two Witnesses.) } Masallon  
B.A. Judd

Subscribed and sworn to before me this 21<sup>st</sup> day of February, 1905.

B.A. Judd  
My Commission Expires Aug 3<sup>rd</sup> 1908 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Second Recording DISTRICT.

I, Joe Donohoo, Physician, on oath state that I  
attended on Endora Steel, wife of John Steel  
on the 31<sup>st</sup> day of January, 1897, that there was born to her on said date a Female  
(Males Female.)  
child; that said child is now living and is said to have been named Minnie Steel.

WITNESSES TO MARK:

(Must be Two Witnesses.) } Masallon  
B.A. Judd

Subscribed and sworn to before me this 21<sup>st</sup> day of February, 1905.

B.A. Judd

CERTIFICATE of MARRIAGE

THIS CERTIFIES

That on the 28 day of July

IN THE YEAR OF OUR LORD

1888

J. W. Steele

and Endora C. Gillespie

were united by me in

H O L Y M A T R I M O N Y

at Turner

according to the laws of the State of Kansas

(Signed) H. M. Herr.

Witnesses.

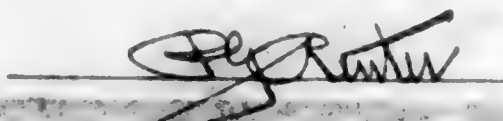
Justice of the Peace.

(Signed) Hugh Gillaspie

William Gillaspie

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I, the undersigned, Chief Clerk of the Cherokee Land Office and custodian of the records of said office, hereby certify that the foregoing is a true and correct copy of the original on file in this office.

  
Subscribed and sworn to before me this 5th day of March, 1903.



Notary Public.

C103

Cherokee D 2828

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of John Steele et al., as citizens by adoption of the Cherokee Nation.

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D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of John Steele, his wife, Endora Steele, and their minor children, Eva and Lena Steele, their families and descendants, as citizens of the Cherokee Nation. Thereafter, on February 27, 1905, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the birth on January 31, 1897, of Minnie Steele, child of the applicants, John and Endora Steele. Further proceedings in the matter of said application were had at Vinita, Indian Territory, January 21, 1903, and at Muskogee, Indian Territory, January 26 and February 20, 1905. The application for the enrollment of the said Endora Steele as a citizen of the Cherokee Nation is differently classified and her right to enrollment will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, John Steele, prior to 1870, was a member of the Shawnee tribe of Indians and resided in the state of Kansas; that in 1870 he removed to the Cherokee Nation in compliance with the provisions of the Cherokee-Shawnee Agreement concluded June 7, 1869 and approved by the President June 9, 1869. The evidence further shows that after the said John Steele removed to the Cherokee Nation in 1870 he resided continuously therein until about the year 1879; that from 1879 until about the year 1888 he resided at various places outside and within the Cherokee Nation, but does not show that he ever established a permanent home outside the Cherokee Nation subsequent to his removal thereto in 1870, or that he ever became a citizen of any other government.

It is further shown that since about the year 1868 the said John Steele has resided continuously in the Cherokee Nation; and that the minor applicants, Eva, Lena and Minnie Steele, are children of the said John Steele, were born in the Cherokee Nation, and have continuously resided therein since birth.

The principal applicant, John Steele, is identified on the Shawnee Register at number 620, and said principal applicant and the minor applicant Eva Steele, are identified on the Cherokee census roll, and the Cherokee-Shawnee pay roll of 1896. The minor applicant Lena Steele is identified on the Cherokee census roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of the act of Congress approved June 28, 1898, (30 Stat., 495), John Steele, Eva Steele, Lena Steele and Minnie Steele are entitled to enrollment as citizens by adoption of the Cherokee Nation, and their application for enrollment as such is accordingly granted.

  
\_\_\_\_\_  
Commissioner

Dated at Muskogee, Indian Territory,  
this JAN 9 1907

Vinita, Indian Territory, January 7, 1903.

John Steele,

Afton, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of December 11, asking if you are regularly enrolled and entitled to an allotment in the Cherokee Nation. You state that you are an adopted Shawnee citizen of said Nation.

In reply you are advised that the records of this Commission do not show that you have ever made personal application for the enrollment of yourself and family. Your name is found upon the 1896 Census roll of citizens of the Cherokee Nation and it appears that you have been listed, from information, upon a Doubtful Card.

Before your application for enrollment will be granted, it will be necessary for you to appear before the Cherokee Land Office of this Commission, at Vinita, Indian Territory, and testify as to the right of yourself and family to be enrolled at this time as citizens of the Cherokee Nation. This testimony should be given at the earliest possible date.

Respectfully,

C.R.E.

Acting Chairman.

COPY.

Cherokee D-2828.

Muskogee, Indian Territory, April 12, 1905.

Commissioner in Charge,  
Cherokee Land Office,  
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 10, 1905, relative to the enrollment of Minnie Steele as a citizen of the Cherokee Nation.

In reply there is herewith inclosed name, notations and information to be made upon Cherokee card No. D 2828.

Respectfully,

(SIGNED) *T. B. Needles*  
Commissioner in Charge.

Incl. S-22



3  
C 29 2828

INDEXED

COMMISSION TO FIVE TRIBES.			
No.	Received	By	Date
27804	JUN - 5 1905		
1905			

Campbell, Mrs. Mary,  
Afton, I. T.,  
Cherokee Nation,  
May 29, 1905.

States John Steel is not  
entitled to an allotment in  
Cherokee Nation.

CHEROKEE NATION

Upton S. S.

May 24, 1900

To the Commission on the  
I want to inform you of a  
of the time as when here. Was no  
right what else to any relation  
in the Cherokee Nation. I am his  
Indian wife I married him  
and had one child named Stee.  
I understand he tells me I  
I live near the Journal Bluefoot  
I married a man by the name  
Now I will tell you all how John  
treated me. I was sick at the time  
he left me and run off with a  
white girl by the name of Kate  
before lived here near Upton he  
had several children by her and  
quit her and married another  
white woman. Now I don't see  
how you are giving him a right  
and his children to, they are all

white children, and him &  
 white man to, him and his white  
 children are all holding land  
 here near cotton, and there are  
 another white man here by the  
 name of George Johnson I hear  
 he claims he was adopted he  
 was not adopted with the Shawnee  
 his brother Ben Johnson was but George  
 was not here he has a white  
 woman and 3 children by her  
 and they all had allotment, they  
~~are~~ have no rights to it what-  
 ever, and this can be all  
 proved on him to, I heard what  
 John Steel had told about me  
 being dead I thought I would  
 just show to ( ) was not dead  
 so hoping you will see <sup>to the matter</sup>  
 and I will say this much I cant  
 see where they get their rights

So hoping you commission will  
 fix them John Truly  
 J. M. Mary Campbell

Cherokee  
D-2828.

Muskogee, Indian Territory, January 9, 1907.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, granting the application for the enrollment of John Steele, et al., as citizens by adoption of the Cherokee Nation.

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

Respectfully,

Encl. H-86  
JMK

Commissioner.

Cherokee D.  
2022.

Muskogee, Indian Territory, January 26, 1907.

John Steele,

Afton, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, granting the application for the enrollment of yourself, Eva, Lena and Minnie Steele as citizens by adoption of the Cherokee Nation.

You will be advised when the names of yourself and children have been placed upon a schedule of citizens of the Cherokee nation and approved by the Secretary of the Interior.

Respectfully,

Enc I-142

Commissioner.

XPI

Cher 10985

Abram Meek

Cancelled and record trans.  
to IW 193

Trans. from D456

Cher 10985

CHEROKEE

10983

Afram Musk

Cancelled and record  
transferred to N. No. 1755  
Transferred from Chm D. 456

Cher 10986

James Duncan

Cancelled and record trans.  
to IW 222

Trans. from D504

Cher 10986



CHEROKEE

10986

James Duncan

12 190

Cancelled and record  
transferred to S. N. No 222

Transferred from N. 504

Cher 10987

Frank Sarahas

Trans. from R977

Cher 10987

Cherokee R-977

Frank Sarahas

For original record in this case  
see Cherokee 10956

Muskogee, Indian Territory, April 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith letter from Edgar Smith, Vinita, Indian Territory, attorney for Polly A. Sarahas, et al., inclosing a motion to review and reopen the Cherokee enrollment case of Polly A. Sarahas. Proper service of the motion and the affidavits attached, signed by Polly A. Sarahas, Caroline Iofland, Mollie Bolin and Lewis Bolin, has been had on the attorney for the Cherokee Nation. On November 2 (I.T.D. 14474, 13946-1905), the Department affirmed the decision of this office favorable to Polly A. Sarahas and adverse to her children, Alberta Long, nee Sarahas, and Frank Sarahas, and grandchildren, Elmer L. Long, and William Lucien Long.

The records in this case shows that Alberta Long and Frank Sarahas are the children of Polly A. Sarahas, the principal applicant, a citizen of the Cherokee Nation, and Richard Sarahas, a citizen of the Wyandotte Nation, and that Elmer L. and William Lucien Long are the minor children of said Alberta Long and William P. Long, a non-citizen of the Cherokee Nation. The record herein further shows that Alberta Long and Frank Sarahas were born in the Wyandotte Nation, removed to the Cherokee Nation in

Secretary--2.

the year 1890, where they have resided continuously from that time up to and including September 1, 1902. Their names are identified on the 1896 Cherokee census roll. The record further shows that they are recognized citizens of the Wyandotte Nation, and as such allotments of land have been made to them. It is further shown by the record herein that Elmer L. and William Lucien Long were born in the Cherokee Nation and have resided therein continuously all of their lives.

It is contended in the motion inclosed herewith, that the allotments of land in the Wyandotte Nation were arbitrarily made to Alberta Long and Frank Sarahas while they were minors; that Polly A. Sarahas, their mother, has always contended that she and her children were citizens of the Cherokee Nation and not of the Wyandotte Nation, and that she never consented for the allotments to be made to them in the Wyandotte Nation. The record herein fails to show the manner in which these allotments were made, and whether or not they have been disposed of.

The record in the matter of the application for the enrollment of Nancy Sky (I.T.D. 4991-1902), as a citizen of the Cherokee Nation, to the ruling in which case this office referred in its decision of September 29, 1905, in the Sarahas case, shows that her name is upon the register of Shawnee Indians who came to the Cherokee Nation within the time required by the terms of the agreement of 1869 between the Shawnee Nation and the Cherokee Na-

Secretary--3.

tion; that she resided in the Cherokee Nation from 1871 until 1882, when she removed to that portion of the Cherokee Nation now known as Oklahoma and resided there for nine years, when she removed to the Peoria Nation and married William Sky, a Peoria Indian; that she received an allotment of land as a member of said Peoria tribe, and that she is upon no roll of the Cherokee Nation.

Acting upon the decision of the Commission to the Five Civilized Tribes of July 29, 1902, in the Sky case, and referring to section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), which in part provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

the Department held:

Said section of the act of June 28, 1898, is applicable only when an applicant claims citizenship in two nations of the five civilized tribes, over which you have jurisdiction. Sky, however, having become an adopted citizen of the Peoria tribe, and having received an allotment of land in that nation, lost her citizenship in the Cherokee Nation, and, of course, for that reason her child has no rights there. The application is rejected accordingly.

In the case of Laura Parker, an applicant whose name is identified on the 1880 unauthenticated and 1896 census rolls of the Cherokee Nation, for enrollment as a citizen by blood of the

Secretary--4.

Cherokee Nation, the Commission to the Five Civilized Tribes held in its decision of May 13, 1906, that inasmuch as she had been enrolled as an Eastern Shawnee Indian of the Quapaw Agency, and as such had received an allotment of land in the Eastern Shawnee Reservation, Indian Territory, she was not entitled to enrollment as a citizen of the Cherokee Nation, and her application for enrollment was accordingly denied by the Commission. The Department in its letter of June 15, 1906 (I.T.D. 6044-1906), stated,

The Department does not concur in your views. The applicant appears to have been born in the Cherokee Nation; she was married to Parker in 1866 and has always resided in the Cherokee Nation. As to the Shawnee allotment and patent, it is testified that she never saw the land so allotted, never made any application for it, and was not instrumental in having it allotted to her, and that she never made any use of the land. It is shown, however, that she received the patent and receipted for it April 25, 1891.

The Indian Office informally advised the Department that its records do not show that any of this land has been alienated by the allottee.

The husband of the applicant stated in his testimony that the patent was sent to his wife, "but she didn't want it. Of course she didn't know whether she could return that or not, and she would rather relinquish that right if she could."

You will advise the applicant that if she will surrender the Shawnee patent to the Department, through your office, and file at the same time a duly executed relinquishment of the land embraced in the patent, and furnish an affidavit showing that no part of the land has been alienated or encumbered in any way, she will be enrolled as a citizen of the Cherokee Nation should no valid objection then appear.

On August 8, 1906, this office transmitted the patent issued to Laura Parker of the land allotted her as an Eastern Shawnee, a duly executed relinquishment of the land embraced in the patent, and an affidavit showing that she has never derived any benefits from said land, and has never disposed of same by

Secretary--5.

deed, mortgage, or any other manner. Referring to Departmental letter of September 25, 1905 (I.T.D. 12106-1905), this office transmitted an unconditional relinquishment of Laura Parker to the land allotted her in the Shawnee Reservation, and on November 28, 1905 (I.T.D. 6044-1906, 18760-1905), the Department cancelled the patent describing said land and authorized the enrollment of Laura Parker as a citizen of the Cherokee Nation in accordance with its decision of June 16, 1905. Her name is embraced in a partial roll of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior January 13, 1906, opposite No. 32782.

In the affidavit of Polly A. Sarahas, attached to the motion inclosed, she states that "she notified Major Howard, the first allotting agent of the Wyandotte Reservation, that she desired that her children be not given land in the Wyandotte Reservation for the reason that she was a Cherokee Indian and as such was entitled to an allotment in the Cherokee Reservation and that she desired her children to have allotments in the Cherokee Reservation as they lived in the Cherokee Reservation and were recognized as citizens of the Cherokee Reservation," and "during the second allotment in the Wyandotte Reservation, while she and her children were residing in the Cherokee Reservation, that allotments were given her children in the Wyandotte Reservation without her knowledge or consent . . . ."

This office respectfully recommends that in the event the Department decides to take favorable action on the motion



Secretary—6.

to reopen the Cherokee enrollment case of Polly A. Sarahas, et al., Polly A. Sarahas, or her children, Alberta Long and Frank Sarahas, be first required to conform to the conditions imposed in the Laura Parker case, i.e. she, or they, be required to surrender the patents to land allotted them in the Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner.

Respectfully,

Incl. S-150.

Commissioner.

Through the Commissioner  
of Indian Affairs.

LAND  
88152-1905.  
33941-1906.

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

C O P Y

September 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of November 2, 1905, (I.T.D.14474-13948-1905), affirming the decision of the Commission to the five civilized tribes favorable to Polly A. Sarahas and adverse to her children, the Office has the honor to transmit herewith report from the Commissioner to the Five civilized tribes, enclosing a motion to re-open and review this decision, as to the children and grandchildren of Polly A. Sarahas.

It appears from the Commissioner's report that Alberta Long and Frank Sarahas are the children of Polly A. Sarahas, the principal applicant, a citizen of the Cherokee Nation, and Richard Sarahas, a citizen of the Wyandotte Nation, and that Elmer Long and William Lucien Long are the minor children of Alberta Long and William P. Long, a non-citizen; also that Alberta Long and Frank Sarahas were born in the Wyandotte Nation, and removed to the Cherokee Nation in the year 1890 and have resided therein continuously up to and including September 1, 1902, and that their names appear on the 1896 Cherokee census roll; that they are recognized citizens of

the Wyandotte Nation, and as such have received allotments of land in that Nation. It is further shown that Elmer Long and William Lucien Long were born in the Cherokee Nation and have resided therein continuously all their lives. It is set out in the motion that the allotments of land in the Wyandotte Nation were arbitrarily made to Alberta Long and Frank Sarahas, while they were minors, and that their mother has always contended that she and her children were citizens of the Cherokee Nation, and not of the Wyandotte Nation, and that she never consented to the assigning of allotments to them.

The commissioner recommends that in the event the department decides to take favorable action on the motion to re-open the Cherokee enrollment case of Polly A. Sarahas, et al., or of her children, Alberta Long and Frank Sarahas, that they first be required to surrender the patents to lands allotted to them in the Wyandotte Nation and file an unconditional relinquishment of the lands embraced in the patents, and to make a satisfactory showing that the land has not been disposed of or encumbered in any manner.

The Office concurs in the recommendation of the commissioner.

Very respectfully,

F. E. Leupp,

Commissioner.

EWE-IC.

D.C.42644

J.P.

DEPARTMENT OF THE INTERIOR, THE

I.T.D.17916-1906.

WASHINGTON. September 24, 1906.

L.R.S.

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

sir:

November 2, 1905, the Department affirmed your decision of September 29, 1905, in the Cherokee enrollment case of Polly A. Sarahas and Frank Sarahas and Alberta Long, Elma L. Long and William L. Long, in favor of Polly A. Sarahas and adverse to the other applicants.

The attorneys for the nation protested against the enrollment of Polly A. Sarahas.

Alberta Long and Frank Sarahas, the latter a minor, are the children of Polly A. Sarahas. Elma L. Long and William L. Long are the minor children of Alberta Long.

As stated in your decision it appears from the testimony that Polly A. Sarahas was born in the Cherokee Nation about 1861; that her mother, who died about 1862 or 1863, was identified with and recognized as a Cherokee citizen; that Polly A. Sarahas resided in the Cherokee Nation from the date of her birth until 1873, when she was taken by her step mother to the Wyandotte Nation, Indian Territory, where she grew to womanhood and married Richard Sarahas, a Wyandotte Indian, the father of Alberta Long and Frank Sarahas.

It appears that Alberta Sarahas was married to William P. Long, a Wyandotte Indian, and as the issue of this marriage Elma L. Long and William L. Long were born.

Polly A. Sarahas resided in the Wyandotte Nation from about 1873 to 1890, when she and her husband, with their minor children Frank Sarahas and Alberta Sarahas, returned to the Cherokee Nation, and have since made their home therein.

The names of the applicants, except William L. Long, who was born in 1901, are found on the 1896 Cherokee census roll.

It was considered, from the information before the department, that Frank Sarahas and Alberta Long forfeited their rights to citizenship in the Cherokee Nation when they were recognized as citizens of and had allotments made to them in the Wyandotte Nation, and by virtue of said forfeiture on the part of Alberta Long prior to the birth of her said children, who claim their rights in the Cherokee Nation solely through their mother, they can have no rights as citizens of the Cherokee Nation, and it was held, as by you, that they were not entitled to enrollment. It was found that Polly A. Sarahas was entitled to enrollment under section 21 of the act of June 28, 1898 (30 Stat., 495).

On September 14, 1906 (Land 33941), the Indian office submitted your letter of April 11, 1906, transmitting a motion to reopen the case as to the rejected applicants, with affidavits attached, which seem to have been filed in your office in November, 1905.

It is asserted in the motion that the allotments in the Wyandotte Nation were arbitrarily made to Alberta Long and Frank Sarahas while they were minors; that Polly A. Sarahas, their mother, has always contended that she and her children were citizens of the Cherokee Nation and not of the Wyandotte Nation, and that she never consented that allotments should be made to them in the Wyandotte Nation.

Polly A. Sarahas makes affidavit that "she notified Major Howard, the first allotting agent of the Wyandotte Reservation, that she desired that her children be not given land in the Wyandotte Reservation, for the reason that she was a Cherokee Indian and as such was entitled to allotment in the Cherokee Reservation, and that she desired her children to have allotments in the Cherokee Reservation as they lived in the Cherokee Reservation and were recognized as citizens of the Cherokee Reservation;" that during the second allotment in the Wyandotte Reservation, while she and her children were residing in the Cherokee Nation, allotments ~~were~~ were given her children in the Wyandotte Reservation without her consent.

The Department is informally advised by the Indian Office that land in Sections 16 and 32, Township 27, Range 25, Wyandotte Reservation, Indian Territory, was allotted to Albertie Sarahas, and that Frank Sarahas was allotted land in Sections 17 and 18, said township and range, and that patents were issued to them April 19, 1892.

Calling attention to the ruling of the department of June 15, 1905, in the case of Laura Parker, you recommended, in the event the department decides to take favorable action on the motion to reopen the case, that Polly A. Sarahas or her children, Alberta Long and Frank Sarahas, be first required to conform to the conditions imposed in the Laura Parker case, i. e., she, or they, be required to surrender the patents to the land allotted to them in the Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner.

The Indian Office concurs in your recommendation.

In view of the information now before the Department, the decision of November 2, 1905, is rescinded as to all the applicants except Polly A. Sarahas, and you are authorized to proceed as you have suggested, giving due notice hereof to the attorney for the Cherokee Nation.

The original record, motion to reopen, the protest of the nation mentioned, and a copy of Indian office letter, are inclosed.

Respectfully,

(signed) Jesse E. Wilson  
Assistant Secretary.

Through the commissioner  
of Indian Affairs.

4 inclosures.

Cherokee  
R 997

Muskogee, Indian Territory, October 8, 1906

Polly A. Sarahas,  
Fairland, Indian Territory.

Dear Madam:

You are advised that this office is in receipt of Departmental letter of September 24, 1906, granting the motion made by your attorney, Edgar Smith, Muskogee, Indian Territory, to reopen your Cherokee enrollment case insofar as it rejected the application for the enrollment of your children, Frank Sarahas and Alberta Long, and grandchildren, Elmer L., and William Lucien Long, and remands the same to this office, with authority to notify the applicants that "they will be required to surrender the patents to land allotted them in the Wyandotte Nation, to file an unconditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner."

You are therefore hereby directed to forward to this office at the earliest practicable date, the patents to the land allotted your children, Frank Sarahas and Alberta



Polly A. Garahas-2

Long; to file an unconditional relinquishment of the land embraced in the patents, and to forward affidavits showing whether or not any part of the land described in the patents has been disposed of or encumbered in any manner. You are also directed to forward affidavits stating whether or not allotments were made in the Wyandotte Nation to Elmer L. and William Lucien Long, and Lucile and Georgia Long, children of said Alberta Long.

Your attorney, Edgar Smith, has this day been advised of the Department's action in this case, and of the instructions given you herein. A similar letter has also been addressed to your daughter, Alberta Long, at Fairland, Indian Territory.

Respectfully,

L M B

Commissioner

Cherokee  
R 977-978

Muskogee, Indian Territory, October 8, 1906

Edgar Smith,  
Attorney for Frank Sarahas, et al.  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that your motion made November 10, 1905, to reopen the Cherokee enrollment case of Polly A. Sarahas et al., insofar as the decision of the Department was adverse to all of the applicants except Polly A. Sarahas, was granted by the Department on September 24, 1906; its decision of November 2, 1905, adverse to the applicants, rescinded, and this office authorized to require the applicants "to surrender the patents to land ~~allotted them to the same extent as the land~~ conditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner."

In view of this action, Polly A. Sarahas, mother

Edgar Smith-2

of Frank Sarahas, and Alberta Long, both of Fairland, Indian Territory, have this day been advised of the Department's action, and directed to forward to this office at the earliest practicable date the patents describing the land allotted to Frank Sarahas and Alberta Long, nee Sarahas, in the Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents, and to file affidavits showing that no part of the land described in the patents has been disposed of or encumbered in any manner. They were also directed to file affidavits showing whether any land has been allotted to Elmer L. Long and William Lucien Long, minor children of Alberta Long, and Lucile and Georgia Long, who are also minor children of Alberta Long, and for whose enrollment as citizens of the Cherokee Nation, application has been made under the Act of Congress approved April 26, 1906 ( 34 Stat. 137).

Upon receipt of these documents this case will receive further consideration, and you will be duly advised thereof.

Respectfully,

L M B

Commissioner

*Inc B-201*

Cherokee  
977 978

Muskogee, Indian Territory, October 8, 1906

V. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir :-

There is enclosed herewith copy of Departmental letter of September 24, 1906, granting a motion to reopen the Cherokee enrollment case of Polly A. Sarahas et al., insofar as the same is adverse to the applicants, and remanding the case to this office with authority to require applicants to surrender patents to the land allotted to them in the Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents and ~~to make satisfactory showing that the land has not been~~ disposed of or encumbered in any manner.

You are advised that the principal applicants, Polly A. Sarahas and Alberta Long, of Fairland, Indian Territory, and their attorney, Edgar Smith, of Muskogee, Indian Territory, have this day been notified that they

W. W. Hastings-2

would be required to comply with the above instructions, and to file affidavits showing whether or not any land in the Wyandotte Nation has been allotted to Elmer L., William Lucien, Lucile and Georgia Long, minor children of said Alberta Long, application having been made for the enrollment of the latter two mentioned children, as citizens of the Cherokee Nation, under the Act of April 26, 1906.

You will be advised of any further action taken in this case.

Respectfully,

L M B

Commissioner

Encl. B-103

( COPY )

ZEVELY, GIVENS & SMITH,  
Attorneys at Law,  
Muskogee, Ind. Ter.

November 28, 1906.

The Commissioner to the Five Civilized Tribes,  
Muskogee, I. T.

Sir:

Referring to your communication to me of October 2, 1904, Cherokee R 977-978, in the matter of the placing upon the Cherokee roll the children and grandchildren of Polly A. Sarahas, and in accordance with the instructions contained in your said letter, I enclose herewith the original patents issued by the United States of America to Albertie Sarahas to the following described land, to-wit: the west half of the southeast quarter of the southeast quarter of Section eighteen, and the east half of the northwest quarter of the southeast quarter of Section thirtytwo, in Township twenty-seven North, of Range twenty-five East of the Indian Meridian, Indian Territory, containing forty acres; and to Frank Sarahas to the following described land, to-wit: the lot numbered fourner Section eighteen, and the lot numbered one of Section seventeen in Township twenty-seven North, of Range twenty-five east of the Indian Meridian, Indian Territory, containing thirty-four acres and fifty one hundredths of an acre.

In accordance with the instructions in your letter above mentioned these original patents are accompanied by unconditional

relinquishments of the land embraced therein and by affidavits showing that no part of the lands as described in the patents has been disposed of or incumbered in any manner.

Kindly advise me when to have the allottees appear at your office for the purpose of completing their filings.

Respectfully,

(Signed) Edgar Smith.

ES/W

Cherokee  
R. 977 R 978

Muskogee, Indian Territory, December 20, 1906.

Edgar Smith,

Attorney for Alberta Long, et al.

Muskogee, Indian Territory.

Dear Sir:

With your letter dated November 28, 1906, received December 15, 1906, you transmit, as requested by this office, the patents to land allotted Albertie and Frank Sarahas in the Wyandotte Nation, Indian Territory, and affidavits showing that the land has not been alienated or encumbered, and relinquishments of said parties to the land allotted them "for and in consideration of the right to take an allotment in the Cherokee Nation."

The applicants in this case claim the right to enrollment through their mother, Polly Sarahas, a duly enrolled citizen of the Cherokee Nation, and were rejected by the Department for the reason that allotments of land had been made to them in the Wyandotte Nation. There appears to be no question but what these applicants will be enrolled as citizens of the Cherokee Nation, if they surrender patents to the land allotted to them in the Wyandotte Nation



Wigar Smith--2

and make satisfactory showing to the Department that the land has not been encumbered or alienated. While this may be true, it would not appear to be advisable to accept relinquishments of the land in the Wyandotte Nation conditioned upon their enrollment as citizens of the Cherokee Nation.

The relinquishments are enclosed, and it is requested that the applicants file unconditional relinquishments of the land allotted them in the Wyandotte Nation, and upon receipt of the same proper action will be taken.

As under the law, there is no authority for the placing of any names upon the roll of citizens of the Cherokee Nation after March 4, 1907, early action in the case is requested.

Respectfully,

(Signed) William O. Beall,

Enc. B-98

Acting Commissioner

January 11, 1907.

The Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

In the matter of Frank Sarahas and Albertie Long nee Sarahas, and referring to your letter of December 20th, 1906, Cherokee R 977 and R 978, find enclosed new forms of relinquishment conforming to your suggestion that no recital should appear in said relinquishment to the effect that they are made in consideration of allotment in the Cherokee Nation. You have the affidavit showing that Albertie Long is identical with Albertie Sarahas, and also the affidavits of the parties that no incumbrance of any character or description has been placed upon the Wyandotte lands, and also the patents to the lands in the Wyandotte Nation, so that these new forms of relinquishment drawn to conform to your requirement, I take it, completes the necessary matter for action in your department, and, as the time is limited for placing names upon the Cherokee roll to about the first of next March as I remember it, I trust that this matter is now in such condition as to insure the immediate enrollment of the parties in interest.

Very respectfully,

ene

(Signed)

Edgar Smith.

ms/w

Mustagee, Indian Territory, January 24, 1907

SPECIAL.

The Honorable,

The Secretary of the Interior:

Sir:

September 24, 1906 (I.T.D. 17916-1906), the Department concurred in the recommendation of the Commissioner of April 11, 1906, and that of the Indian Office of September 14, 1906, (Land 86152-1906, 33941-1906), and rescinded Departmental decision of November 2, 1906 (I.T.D. 14474, 13948-1906), except as to Polly A. Sarahas, in the Cherokee enrollment case of Polly A. Sarahas et al., and authorized the Commissioner to proceed as suggested, i. e., the applicants, Alberta Long and Frank Sarahas be required to surrender the patents to the land allotted to them in the Wyandotte Nation, Indian Territory; to file an unconditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land

Secretary-3

has not been disposed of or encumbered in any manner.

October 8, 1906, the Commissioner advised the applicants, their attorney, and the attorney for the Cherokee Nation of the Department's decision, and advised them fully as to what would be required of them if they still desired to be enrolled as citizens of the Cherokee Nation. With his letter dated November 28, 1906, received December 15, 1906, Edgar Smith, attorney for applicants, transmitted patents to the land allotted Alberta (Albertie) Sarahass (Long) and Frank Sarahass, in the Wyandotte Nation, Indian Territory, and affidavits showing that the land embraced in the patents has not been alienated or encumbered, and relinquishments of said parties to the land allotted them "for and in consideration of the right to take an allotment in the Cherokee Nation." December 20, 1906, the Commissioner advised said attorney that there appears to be no question but that the applicants will be enrolled as citizens of the Cherokee Nation if they surrender the patents to the land allotted to them in the Wyandotte Nation and make satisfactory showing to the Department that the land has not been encumbered or alienated, yet, while that

Secretary-3

may be true, it did not appear to be advisable to accept relinquishments of the land in the Wyandotte Nation conditioned upon their enrollment as citizens of the Cherokee Nation, and it was requested that the applicants file unconditional relinquishment of the land allotted them in the Wyandotte Nation.

A copy of the Commissioner's letter calling for the unconditional relinquishments referred to is enclosed for the Department's information.

With his letter of January 11, 1907, the attorney for applicants transmitted new forms of relinquishments, which he states conform to the Commissioner's suggestion that no recital should appear in said relinquishment to the effect that they are made in consideration of allotment in the Cherokee Nation." A copy of his letter is also enclosed.

The patents referred to show that the following land in the Wyandotte Nation, Indian Territory, was conveyed to Albertie Sarahass on April 19, 1892:

"The West half of the South East quarter of the South East quarter of Section eighteen, and the

Secretary-4

East half of the North West quarter of the South East quarter of Section thirty-two, in Township twenty-seven North, of Range twenty-five East of the Indian Meridian, Indian Territory, containing forty acres."

And that the following land was conveyed to Frank Sarahas on the same date:

"The Lot numbered four of Section eighteen, and the Lot numbered one of Section seventeen, in Township twenty-seven North of Range twenty-five East of the Indian Meridian, Indian Territory, containing thirty-four acres, and fifty one hundredths of an acre."

Said patents bear no filing stamp and there is nothing on them to show that any disposition has been made of them by the allottees.

The affidavits filed by Alberta Long, nee Sarahas and Frank Sarahas show that no part of the land described in the patents has been disposed of or encumbered in any manner, and the relinquishments of the land described appear to be sufficient.

The record in the case shows that Alberta Long and Frank Sarahas are children of Polly A. Sarahas a Cherokee citizen whose application for enrollment was granted

**Secretary-8**

by the Department in its decision of November 8, 1905, referred to, and Richard Sarahas a citizen of the Wyandotte Nation, and that Elmer L. and William Lucien Long are the minor children of Alberta Long and William P. Long, a non-citizen of the Cherokee Nation; that Alberta Long and Frank Sarahas were born in the Wyandotte Nation; removed to the Cherokee Nation in the year 1890, where they have continuously resided from that time up to and including September 1, 1902, and that their names are identified on the 1896 Cherokee census roll. The records further show that they have been recognized as citizens of the Wyandotte Nation and that allotments were arbitrarily made to them while they were minors, and that they never consented for allotments to be made to them in the Wyandotte Nation.

of the Wyandotte Nation and the fact that allotments have been made to them, they have the same right to enrollment as citizens of the Cherokee Nation as their said mother and grandmother, Polly A. Sarahas.

The patents, affidavits and relinquishments re-

Secretary-6

ferrad to are enclosed, together with the record returned by the Department September 24, 1906, and it is respectfully recommended that they be enrolled as citizens by blood of the Cherokee Nation.

In view of the provision of law that the Secretary of the Interior shall have no authority to approve the enrollment of any Cherokee citizen subsequent to March 4, 1907, it is respectfully requested that this case be made special.

There is enclosed a schedule containing the names of the applicants in this case, Numbers 32839 to 32842, inclusive, and in the event of the approval of the Commissioner's action enrolling these applicants as citizens of the Cherokee Nation, the approval of this schedule is recommended. The names of the persons appearing on this schedule here follow in the same numerical order as on the schedule:

No.	NAME.
32839	Sarahas, Frank
32840	Long, Alberta
32841	Long, Elmer L.
32842	Long, William Lucien

Respectfully,

Encl. P-57

Through the Commissioner  
of Indian Affairs,

Commissioner.



D. C. 8770-1907.

I.T.D.2394-1907.

L.R.S.

DIRECT.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON. S.P.

J.P.

February 11, 1907.

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

Sir:

In accordance with your recommendation in letter of January 24, 1907, and in Indian Officer letter of the fourth instant, submitting your report, the enrollment of Frank Sarahas, Alberta Long, Elmer L. Long, and William Lucien Long, as citizens by blood of the Cherokee Nation, is approved. The partial roll containing their names, submitted with your letter, has also been approved. Two copies thereof are inclosed.

The relinquishment of the patents to Alberta Long Sarahas, now Long, and Frank Sarahas to lands in the Wyandotte Reservation, Ind. T., are accepted and the patents Nos. 59 and 60 have been canceled and sent to the General Land Office.

The other papers have been returned to the Indian Office, including one copy of the partial roll. One copy has been retained for the files of the Department.

Respectfully,

Thos Ryan

First Assistant Secretary.

2 inclosures.  
Carbon copy and 7 inc. to Ind. Of.  
A.F.No 2-13-07

Cherokee  
10987.

Muskogee, Indian Territory, April 15, 1907.

Frank Sarahas,

Fairland, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of yourself and others, as citizens of the Cherokee Nation, was granted by the Secretary of the Interior, February 11, 1907, and your name placed upon a schedule of citizens of the Cherokee Nation and approved by the Department on said date.

Respectfully,

Commissioner.

LMC

Cherokee  
10982 et al.

Muskogee, Indian Territory, April 18, 1907.

Edgar Smith,

Attorney for Alberta Long, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Alberta Long, et al., as citizens of the Cherokee Nation, was granted by the Secretary of the Interior, February 11, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-6  
LMC

Cherokee  
10980 et al.

Muskogee, Indian Territory, April 15, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Alberta Long, et al., as citizens of the Cherokee Nation, was granted by the Secretary of the Interior, February 11, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-5  
LMC

Cher 10988

Alberta Long

Trans. from R978

Cher 10988

347

A-5347

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 20 1900

*[Faint handwritten signature]*  
SPECIAL AGENT IN CHARGE

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VIOLA, I. T., SEPTEMBER 19th, 1900.

IN RE MATTER OF THE APPLICATION OF Alberta Long and child for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, C. R. Brockbridge, testified as follows:

- Q What is your full name? A Alberta Long.  
Q What is your age? A Twenty two.  
Q What is your Postoffice? A Fairland.  
Q What district do you live in? A Delaware.  
Q For whom do you apply for enrollment; yourself?  
A Myself and child.  
Q One child? A Yes sir.  
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.  
Q How long have you lived in the Cherokee nation? A Ten years.  
Q Where did you live before ~~that~~ you lived in the Cherokee Nation? A In the Wyandotte Nation.  
Q You lived there all your life down to ten years ago, did you?  
A Yes sir.  
Q What proportion of Cherokee blood do you claim? A I do not know what I would be.  
Q Are you married at this time? A Yes sir.  
Q What is the name of your husband? A William P. Long.  
Q White man or Cherokee? A Wyandotte Indian.  
Q When were you married to him? A Last year.  
Q Have you a certificate of your marriage? A Yes sir.

The applicant presents a duly authenticated United States marriage licence and certificate, showing that the marriage, as stated by her, took place on the 7th of May, 1899; Reverend Benjamin V. Rhinehart, officiating. The licence is issued by the Clerk of the United States Court, Northern District of the Indian Territory, and these papers are filed herewith.

Q Your mother moved to the Wyandotte Nation, directly after her marriage, did she? A She was taken there by her step mother when she was a child.

- Q And she married there? A Yes sir.  
Q Did she marry there in 1876? A Yes sir.  
Q And you were born there? A Yes sir.  
Q And you lived there all your life up to ten years ago?  
A Yes sir.  
Q Then you came home with your mother and father, did you?  
A Yes sir.  
Q And you have lived here ever since? A Yes sir.  
Q Have you ever been admitted to citizenship? A Yes sir; when she was.

- Q Have you a certificate of admission? A No sir.  
Q Has any one got it, so far as you know? Did you ever see the certificate admitting you, or the Cherokee Commission? A No sir; they never gave her any certificate: They knew her all her life.  
Q You say they just claimed she and never lost her citizenship; is that it? A I suppose so.

- Q Give me the name of your child, please? A Elmer Lee Long.  
Q How old is that child? A Nine months old.  
Q Your mother was born in the Cherokee Nation? A Yes sir.  
Q And taken to the Wyandotte Nation when a child?  
A Her mother and father died, and her step mother took her over there and raised her.  
Q They took her there when she was a child? A Yes sir.

- Q Your maiden name was Sarakas, was it? A Yes sir.  
(1896 Roll, Page 329, 2742, Alberty Sarakas, Delaware District)

The applicant applies for the enrollment of herself and one child: She is identified on the roll of 1896, under her maiden name. She states that she was born in the Wyandotte Nation; that her mother is a native Cherokee; was carried ~~there~~ to the Wyandotte

Nation when she, her mother, was a child, and lived there until ten years ago, when they all came to the Cherokee Nation, her mother having lived in the Wyanotte Nation for many years as a married woman.

The applicant's change of name is established by the marriage license and certificate filed herewith.

Her application for enrollment at this time will be placed on a Doubtful Card, for further consideration. There is no evidence that the applicant was ever admitted to citizenship by the Cherokee Commission. She claims that she was told that it was not necessary for them to take that action.

When she presents a proper certificate of the birth of her child, Elmer Lee Long, this child also will be put upon a doubtful card with its mother.

---

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

A. R. Crockett

Subscribed and sworn to before me  
this 20th day of September, 1900.

  
\_\_\_\_\_

COMMISSIONER.



R

SEP 19 1900

SEP 19 1900

DELAWARE

Statement of Applicant Taken Under Oath.

# CHEROKEES BY BLOOD AND ADOPTION.

SEP 19 1900

Date

1900.

Name \_\_\_\_\_  
 District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_  
 Citizen by blood \_\_\_\_\_ Mother's citizenship \_\_\_\_\_  
 Intermarried citizen \_\_\_\_\_  
 Married under what law \_\_\_\_\_ Date of marriage \_\_\_\_\_  
 License 22 Certificate \_\_\_\_\_  
 Wife's name Alberta Long Fairland L.?  
 District DELAWARE. Year 1896 Page 229 No. 2742  
 Citizen by blood No Mother's citizenship \_\_\_\_\_  
 Intermarried citizen No Both parents - e - e  
 Married under what law \_\_\_\_\_ Date of marriage 1899  
 License Filed SEP 19 1900 Certificate Filed SEP 19 1900

Names of Children:

Name	Dist.	Year	Page	No.	Age
<u>Emery L. Long</u>	<u>Dist. 1</u>				<u>2 1/2</u>
	<u>Dist. 2</u>				
	<u>Dist. 3</u>				
	<u>Dist. 4</u>				
	<u>Dist. 5</u>				
	<u>Dist. 6</u>				
	<u>Dist. 7</u>				
	<u>Dist. 8</u>				
	<u>Dist. 9</u>				
	<u>Dist. 10</u>				
	<u>Dist. 11</u>				
	<u>Dist. 12</u>				
	<u>Dist. 13</u>				
	<u>Dist. 14</u>				
	<u>Dist. 15</u>				

39  
22  
17

See also Police Alberty parsons  
2 Affidavit to be submitted  
Marriage certificate attached

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,  
WASHINGTON, D. C., MAY 23rd, 1901.

In the matter of the enrollment of Polly A. Sarahas, et al., as citizens of the Cherokee Nation by blood, the following supplemental testimony is offered on the part of applicants:

MARTIN HENDERSON BERRY, being sworn and examined by Commissioner C. S. Breckinridge, testified as follows:

AFFIDAVITS:

Mr. Edgar Smith, Attorney for Applicants.  
Mr. W. W. Hastings, Cherokee Representative:

Q Give your full name? A Martin Henderson Berry.  
Q How old are you? A I am 72.  
Q What is your post office? A Fairland, Indian Territory.  
Q How long have you lived in the Cherokee Nation? A About 58 years.

BY MR. SMITH:

Q Mr. Berry, do you know Polly A. Sarahas? A Well, sir, I know her.  
Q How long have you known her? A I have knowed her ever since peace, off and on.  
Q Do you know who her mother was? A Her mother was Rachel Foster and her father was Will Hurt, and she was born at the Gilstrap Ferry on Grand river.  
Q About what time as well as you can remember? A Well it was along in the summer I reckon, spring or summer, along in the spring of '62, as well as I recollect.  
Q Did this woman, Foster or Forester, that you speak of have any brothers or sisters that you knew? A Yes, sir.  
Q What were their names? A Wiley Foster and Minerva Foster.  
Q Where did Wiley live? A When the war come up he lived on what they call the old Jake Alberty place, near Gilstrap Ferry, right at the ferry.  
Q Was this Mrs. Foster, who was the mother of Polly Sarahas, a Cherokee Indian? A Yes, sir, as far as I know she was.  
Q Well, what do you mean by saying as far as you know? A I don't know, Hoolley Hell ain't no Indian any further than any other man as far as I know, of course they were citizens here ever since I come here.  
Q Well did she pass for an Indian, is that your understanding? A Yes, sir.  
Q Now, do you know when her mother died, Polly Sarahas' mother?  
A She died in the time of the war.  
Q During the war? A Yes, sir, during the war.  
Q Well do you know where or what became of Polly Sarahas during the war? A Yes, sir.  
Q Where did you next see her? A I saw her after peace, moved right back to Gilstrap ferry, small girl.  
Q Who brought her back? A Her father.  
Q What did you say her father's name was? A Hurt.  
Q Bill Hurt? A Bill Hurt.  
Q Where is Gilstrap Ferry? A It is right below this railroad about six miles.  
Q Is it in the Cherokee Nation? A Yes, sir.  
Q Well, how long did Bill Hurt as you call him, remain there when he came with his little girl? A Remained there two or three years.  
Q Is he living or dead? A He is dead.  
Q About when did he die? A Well.  
Q About how long after he came back as near as you can remember?

- A. Some four or five years, maybe six I can't tell; I can't remember that far back just how long he did live.
- Q. When he died can you state what became of this little girl, Polly Sarahas? A. Well, sir, her step-mother took her back up in the Wyandotte Nation and left her.
- Q. About how old was she when her mother took her back up in the Wyandotte Nation? A. I say about ten or fourteen years old.
- Q. Somewhere between ten and fourteen? A. Yes, sir.
- Q. Well what became of her if you know; did she continue to live in the Wyandotte Nation? A. She lived right there until she was married.
- Q. Whom did she marry? A. Married Mr. Sarahas, a Wyandotte Indian.
- Q. Isachard Sarahas, or do you know his name? A. I don't know, neighbor to me too.
- Q. Well where has she been living since she married Sarahas? A. She lived a little while in the Wyandotte Nation and then he moved over here.
- Q. What do you mean by over here? A. Over in the Cherokee Nation.

BY W. W. HASTINGS:

- Q. Mr. Perry, I don't believe I have got your post office address?
- A. Fairland, Indian Territory.
- Q. How far do you live from Fairland? A. I live right in it.
- Q. How long have you lived there? A. In Fairland?
- Q. Yes, in the neighborhood. A. Well I have lived ever since the year sixty in the neighborhood only during the war.
- Q. You knew Mrs. Sarahas then before the war? A. She was born right at the beginning of the war, '61, I reckon, as high as I can come at it.
- Q. How far is Gilstrap's ferry from Fairland? A. It is about seven miles.
- Q. East? A. Yes, sir, pretty much due east.
- Q. What river does that cross, Neosho or Grand river? A. Grand river in below the mouth of Neosho.
- Q. Is Neosho or the Grand river the division line between the Cherokee Nation and the Wyandotte? A. Yes, sir.
- Q. What was Mr. Polly Sarahas' father's name? A. It was Hurt, William Hurt.
- Q. On which side of the Grand river did William Hurt live in 1861?
- A. He lived on the west side.
- Q. Was William Hurt himself a Cherokee by blood? A. No, sir, he was a white man.
- Q. You claim that his wife who was Polly Sarahas' mother was a Cherokee by blood? A. Yes, sir.
- Q. And recognized Cherokee? A. Oh, yes.
- Q. Well, after the war was over you say this applicant directly after the war, you state? A. Yes.
- Q. Her mother was dead then was she? A. Oh, yes.
- Q. And her father married another woman? A. Yes, sir.
- Q. And then Polly was taken across over into the Wyandotte country?
- A. Yes, sir.
- Q. She married a Wyandotte didn't she? A. She married a Wyandotte, yes.
- Q. She testified that she went there prior, two or three years before '76? A. Well I can't say what time she went there, but it was since the war.
- Q. And she testified that she came back here about the year '90, is that correct? (No response.)
- Q. About eleven years ago when she came back? A. Well I guess it is about correct, because they have got a big farm right this side of Vinita, they have got a big farm there, I guess she is right.

Q Then this woman lived there about 17 or 18 years over in the Wyandotte country? A I guess so, sir.

Q And her husband was a citizen over there? A Yes, her husband was a citizen in Wyandotte, but he is living inside of the Cherokee Nation, he has got land himself over there; he is a Wyandotte but she would not hold her and her children.

BY COURT RE CHURCH:

Q Mr. Berry, do you know whether Polly Sarahas owned any property in the Cherokee Nation while she was living with her husband in the Wyandotte country? A I do not, I don't know.

Q Well, do you know whether she was living in the State of Kansas or up on the Wyandotte Reservation? A She was up on the Wyandotte Reservation right south of Seneca, down away below Kansas.

Q You speak of not permitting herself to be recognized or enrolled or something of that sort as a Wyandotte; did you know anything about that? A I don't guess, sir, that she was ever enrolled as a Wyandotte.

Q Do you know anything about that? I know only, know they always called her a Cherokee.

Q Were you living there in the Wyandotte country? A I was living joining on the river about eight miles from where they lived.

Q I understand you to say that she is generally recognized there as a Cherokee and not a Wyandotte? A Yes, sir.

COURT RECALL INDEX:--This will be filed as supplemental testimony case C. #345, and attention will be called to it on the card.

A set of this testimony will also be filed with the case of Alberta Long, C. #347, and a note will be made of it on her card.

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

*J. O. Bosson*

Subscribed and sworn to before me this 29th day of May, 1901.

*W. H. ...*

Commissioner.

[COPY]

MARRIAGE LICENSE.

UNITED STATES OF AMERICA )  
INDIAN TERRITORY )SS  
NORTHERN DISTRICT )

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE  
MARRIAGE---GREETING:

You are hereby commanded to solemnize the Rite and  
publish the Banns of Matrimony between Mr. William P. Long of  
Wyandotte, in the Indian Territory, aged 30 years, and Miss  
Alberta Sarahas, of Wyandotte, in the Indian Territory, aged 21  
years, according to law, and do you officially sign and return  
this License to the parties therein named.

Witness my hand and official seal at Vinita, Indian  
Territory, this 3rd. day of May, A.D. 1899.

By J. C. Anderson,  
Deputy.

James A. Winston,  
Clerk of the United States  
Court.

-----000-----

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA )  
INDIAN TERRITORY )SS  
NORTHERN DISTRICT )

I, B. W. Rinehart, a Minister of the Gospel, DO HERE-  
BY CERTIFY, that on the 7th day of May, A.D. 1899, I did duly and  
according to law as commanded in the foregoing License, solemnize  
the Rite and publish the Banns of Matrimony between the parties  
therein named.

Witness my hand this 7th. day of May, A.D. 1899.  
My Credentials are recorded in the office of the Clerk of the  
United States Court, Indian Territory, Second District, Book 6,  
page 158.


Rev. Benj. W. Rinehart,  
A minister of the  
Gospel.

9.

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The following is a list of the names of the members of the  
 Board of the Five Civilized Tribes, as of the 1st day of  
 January, 1902. The names are given in the order in which  
 they were appointed, and the date of their appointment is  
 given in parentheses.

DEPARTMENT OF THE INTERIOR,  
 BUREAU OF THE FIVE CIVILIZED TRIBES,  
 WASHINGTON, D. C.  
 1902



ACTING CHAIRMAN

File with Alberta Long, C. D-347.

"R"  
Cherokee D 345.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 25, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Polly A. Sarahas for enrollment as a Cherokee citizen.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I.T., Attorneys for the applicant;  
Mr. W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter on February 6th, 1902, that this case would be taken up by the Commission for final consideration on the 25th day of February, 1902. The applicant this day appears by her attorneys Mellette & Smith, Vinita, Indian Territory.

(Four witness sworn.)

L.B. BELL, being sworn and examined on behalf of the applicant, testified as follows:

BY MR. MELLETTE:

Q State your name? A L. B. Bell, 63, Vinita.  
Q Do you know the applicant, Polly A. Sarahas? A Yes sir.  
Q How long have you known her? A Since about '72.  
Q Where was she when you first got acquainted with her? A Delaware District, Cherokee Nation.  
Q How old was she at that time? A She looked like she might be 12 or 13 years old.  
Q Who was she living with? A With her father, William Hurts.  
Q Do you know her mother? A Yes sir.  
Q Where were they living? A Her mother was dead at that time.  
Q Where was she living with her father? A At the mouth of Cabin Creek, what is known as Pensacola post-office now.  
Q Cherokee Nation? A Cherokee Nation.  
Q What do you know about her blood? A Well I only know this much; I was acquainted with her mother, that is Bill Hurts' wife, said to be her mother. Her name was Rachel Forester; she was a sister of Wiley Forester, of the family of folks that lived on the Verdigris they were Cherokees, and this woman married Bill Hurts along about '58 or '9, at the beginning of the war, and they moved up to Grand River, about Gilstrap's Ferry, and she died, I never saw them any more until after the close of the war; he moved into my neighborhood and had this girl with him and kept her there after that. And she was proved up before the Old Settler Cherokee roll as a Cherokee; I was in there with her, and there she was enrolled and paid the money that was due her mother on that account.

BY MR. HASTINGS:

Q What do you say her mother's name was? A Rachel Forester I think.  
Q Did you know her mother personally? A Yes; lived right in the house with her for a while.  
Q When? A Along about '57 or '8.  
Q Did you know her after she married Hurt? A No sir, I never saw her after that.  
Q You never saw her then after '57 or '8? A I never saw her after within a year I reckon before she married Hurt; she was a single woman the last time I saw her; I heard afterwards she married Bill Hurt.  
Q Then who the mother of this girl was is hearsay to you? A Wholly except-  
Q You never knew that Rachel Forester after her marriage to Hurt at all? A No sir.  
Q She was dead after the war when you knew Hurt? A She must have died in '62 or '3 from what I could learn of her, I was then grown;



I never saw her after I left Wiley Forester's house.

Q And you saw this girl in '72 or '3 afterwards? A About '72 I reckon. They lived right there in my neighborhood and left there. Bill Hurt died there and he had married a state woman and she moved out, into the Miami Nation and took this girl with her, and she has been there I guess ten years.

Q Well this woman is not on the 1880 roll? A I don't think she is; she never was recognized as a citizen of the Cherokee Nation up until the Strip payment of 1894 was she? A Not by any official act as I know about.

BY MR. MEILLETTE:

Q You say she was recognized by the old settlers? A Oh yes, Polly here proved before the Commission and was put on there and drew her mother's part of the old settler money.

BY MR. HASTINGS:

Q That is a matter of record? A Yes sir.

BY MR. HASTINGS: Then I object to that testimony.

Q That isn't a blood roll is it, the heirs of people that are on that roll? A Not necessarily.

Q Person is not necessarily a citizen that's an heir to the person that's on that roll? A No, that's my judgment, that they wouldn't have to be a citizen.

Q Fact of the business is you know some of them are in California and elsewhere not recognized citizens who heired part of that money? A Yes sir, I know there are some living out of the country that's not citizens, and I expect you would kick on them if they was to appear here.

TESTIMONY TAKEN ON BEHALF OF THE CHEROKEE NATION.

ALEX COPELAND, being first duly sworn, and being examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A Alex Copeland.

Q What is your age? A 62 years.

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

Q How far is that from Fairland, how far do you live from Fairland? A About eight miles south.

Q That is in Delaware district? A Yes sir.

Q You are a Cherokee by blood? A Yes sir.

Q Recognized citizen? A Yes sir.

Q Do you know Pelly A. Sarahas? A I know her when I see her. I aint personally acquainted with her.

Q How long have you lived in the vicinity of Fairland? A I have lived there off and on ever since '59.

Q Did you know these Forester's that lived around Gilstrap's Ferry? A I never knowed any Foresters living around Gilstrap's Ferry at all.

Q Do you know Will Hurt? A Yes sir, I saw him.

Q When did you know him? A I knowed him '67 and '68, after the war.

Q Did you know him before the war? A No, I didn't know him before the war.

Q Did he have a wife when you knew him? A I don't recollect whether he did or not.

Q Where did he live at that time? A He lived at Gilstrap's Ferry.

Q That was how far from Fairland? A They call it about six miles.

Q How long have you known this woman Pelly Sarahas? A I have knowed of her ever since '67.

Q I will ask you if she has been recognized as a citizen of the Cherokee Nation? A Never was that ever I knowed of.

BY MR. MEILLETTE:

Q That is a matter of record too, if you are going to confine us to the record; I object to that testimony, because it is a conclusion of law.

Q You never knew of her being recognized? A No sir.  
Q You never heard her being called a citizen up there? A Never did.  
Q You knew of her living up there since '59? A Off and on I have.  
Q You know Martin H. Berry, who lived up there? A Yes sir.  
Q He testified as a witness in this case; what has become of him since he testified? A I heard he went to Missouri.  
Q He has left up there? A Yes sir.

Q Did you ever talk to him about Polly A. Sarahas? -  
BY MR. MELLETTTE: I object to it, because it I suppose is to contradict the testimony of the witness, and they didn't lay the foundation for it by asking him if he had any talk any such conversation with this man.

BY COMMISSION: Objection is noted; answer the question.

A Yes.

Q What was it? A When the Dawes Commission was at Fairland Mark Berry come to me and said, "Alex, what you going to do about this Sarahas woman?" I says, I don't know, what you going to do about it? Says he: "She is a white woman." I says, yes. That is all the conversation we had.

Q That is while the Commission was at Fairland? A Yes sir.

Q Was that in the summer of 1900 when they first started out?

A When they first started out.

Q Any other Sarahas woman out there than this one? A None that ever I heard of.

Q This Sarahas woman had a sister up there somewhere hasn't she?

A They said she has one, I aint acquainted with her.

Q Where does she live? A I think she lives in Seneca, Missouri.

Q You know where this Sarahas woman has lived? A No I don't know she has been there in the neighborhood off and on a good while.

Q Well about how long? A Well I think ever since about '67.

Q Well has her sister been claiming any rights ever there that you heard of? A None that ever I heard of.

Q You have lived in that section of Delaware District ever since the war have you? A Yes sir, I come there in '68 to where I am living now, and been there ever since.

Q You lived there a while before the war? A I was there before the war, I was there in '55.

BY MR. MELLETTTE:

Q How do you say this Polly Sarahas has a sister? A That is what they say, yes.

Q Well you know she has a sister? A No sir.

Q Don't you know she has not any sister? A No.

Q Never had a sister in her life? A No I don't know that.

Q Then you are not going to swear that she had a sister? A No.

Q You are going to take that back? A I wont swear that she has got a sister; they say she has got a sister.

Q Who says? A Mr. Audrain says she has got a sister.

Q I will ask you again if you don't know that she never had a sister, in her life? A No sir, I don't know.

Q You don't know that she had, do you? A I don't know that she has or ever had.

W. SCOTT AUDRAIN, being first duly sworn and being examined, testified as follows:

BY MR. HASTINGS:

Q What is your name? A W. Scott Audrain.

Q Where do you live? A I live near Fairland, Indian Territory.

Q You know Polly Sarahas? A Yes sir.

Q How long have you known her? A I have known her about 35 years.

Q You didn't know her father or her mother did you? A I knew her father.

Q Where was this woman living when you first knew her? A When I first knew her she was living near Gilstrap's Ferry.

Q Married to her present husband? A Who, this Polly A. Sarahas?

Q Yes? A No, she was an infant then, a child.

Q Where was she living then? A Living with her father, near this Gilstrap's Ferry.

Q Do you know her mother? A No sir. I don't reckon I know her mother. Mr. Hurt had a wife but I don't know it was her mother.

Q How far did you live from the Gilstrap Ferry? A It is about five miles where I lived at that time, where I live now it is about eight miles.

Q You have lived in that neighborhood ever since haven't you?

A Yes sir, I have lived always on my father's place until I settled where I live now.

Q Has Polly A. Sarahas been recognized by the community up there as a citizen? A -

BY MR. MELLETT: I object to that question.

BY COMMISSION: Objection is entered; answer the question.

A No, she has never been recognized as a citizen.

Q You know whether she has a sister or not? A I know there was two girls lived in the same family in '67, back that far; that was of course that's going a long ways back, I don't know positively, that they were sisters, but they were represented to be sisters, as Mr. Hurts' daughters, there was 2 of them.

Q Where is the other one? A Well the last time I saw them together was in Seneca Missouri.

Q You know whether this woman ever lived over in Seneca, this Polly Sarahas? A Yes sir, she has lived there with this one, her sister, awhile.

Q Now before that Strip payment in 1894, did you ever hear this woman ever claim to be a citizen of the Cherokee Nation? A No sir.

Q You are well acquainted with these older citizens up there around that country? A Yes sir. Now understand me in this matter: I heard before that Bill Hurt claimed a right, and these two girls it was my understanding that they was white girls, that he had been married a number of times, that that is the way I always understood it

Q But you never heard of her being recognized as a citizen up there before that Strip payment or since for that matter? A No.

BY MR. MELLETT:

Q You say you knew the applicant in '67? A Yes sir, I got back '67, I don't know, but the war, - it was '66.

Q She was living in the Cherokee Nation at that time? A Living in the Cherokee Nation, her father was, and this family near this ferry.

Q Didn't you know the wife of her father at that time was not this woman's mother? A Well sir, that was my understanding, that his wife - that when I knew these children was not this applicant's mother.

Q Don't you know that the other girl that was there was a half sister of this girl? A I don't know.

BY MR. HASTINGS:

Q You know Martin H. Berry? A Yes sir.

Q How far did he once live from Fairland, last year or two years ago? A Why last two or three years he has been living in Fairland.

Q Does he lives there now? A Well he has been staying with his son in Fairland, he has no family.

Q Is he staying with his son now? A He has not been there for the last six months and I was asking his son about him and he said he had went to Missouri.

Q Did you ever talk to him about this woman? A I why yes I have talked with him frequently.

Q Just tell it; with reference to her citizenship? A Why, at the time of the Dawes Commission up there he come to me personally and commenced inquiring of me what I knew about this case and we talked about it, and he told me -

BY MR. MELLETT: I object to that testimony.

BY COMMISSION: Objection is noted; answer.

A con: He told me he didn't know that this was Rachel Forester's daughter; Mr. Berry told me he didn't know that this was Rachel Forester's daughter, right at the Dawes Commission text.

BY MR. WILLETTE:

Q Didn't Mr. Berry come from Missouri when he came to testify in that case down at Chelsea, hadn't he been in Missouri before he testified in this case? A Not any length of time. He went on a visit in Missouri and stayed a while; his native home has been in the Territory constantly.

Q But he come from Missouri when he testified in this case? A I don't know when he testified.

Q He had been in Missouri before he testified hadn't he; he testified at Chelsea in June, hadn't he been in Missouri before that? A This last June?

Q May 28th, hadn't he been in Missouri before that, and didn't he come from Missouri when he came to testify? A I could not say positive; he has been to Missouri; he has been back to visit his friends; some of his relatives I should have said; I don't know, I wouldn't be positive, he might have been there when he testified in that case.

TESTIMONY ON BEHALF OF THE APPLICANT.

POLLY A. SARAHAS, being first duly sworn and being examined testified as follows:

BY MR. WILLETTE:

Q Polly A. Sarahas isn't it? A Yes sir.

Q Mrs. Sarahas, the witness Mr. Audrain testified about seeing a young girl with you at your father's house in '67, or along about that time, who was she? A That was my father's sister.

Q Did you ever have any full sister? A No.

Q Did you ever have a half sister? A I had a little small half sister when my father died; I had a step-mother.

Q What was your half-sister's name? A Annie Hurt.

Q Was her mother your mother? A No sir.

Q Different mothers? A Different mothers.

Q Where does she live now? A I don't know where she is, she left me when I was a small child.

Q The witness, Mr. Audrain, testifies about seeing you in Seneca, Missouri, who were you with there? A I never lived at Seneca I never was out of the Territory only in the Wyandotte Territory.

Q Well do you remember of ever going or being in the Seneca with your half sister? A No sir; my half sister was took away from me when she was eight years old and I have never seen her since.

BY MR. HASTINGS:

Q Wasn't your half-sister- didn't she marry a Shoemaker? A I never had any to marry.

Q Did your father's sister marry one over there in Seneca? A No sir, my father's sister is dead; she was never married.

Q You never stayed with anybody around Seneca? A No sir.

Q You never stayed there a week at a time? A No sir, I lived in the Wyandotte Nation with a lady, Mrs. Laughlin.

Q You never got any money from the Cherokee Nation up until 1894 did you? A I drew three payments from the Cherokees.

Q When? A I drew at the court house.

Q What years? A I don't know how long it has been.

Q Well, before 1894 though? A Oh it was when the last payment was paid there at the court house, I don't know what year it is.

Q Mr. L.B. Bell was your attorney then? A No sir.

Q He didn't act for you during that strip payment? A Yes in the Strip payment.

Q He acted for you as your attorney? A Yes sir.

ELIZABETH NOBLE, being first duly sworn and being examined testified as follows:

BY COMMISSION:

Q What is your name? A Elizabeth Noble.

Q What is your post-office address? A Vinita.

BY MR. WILLETTE:

Q Are you the wife of W.H. Noble? A Yes sir.

Q Do you know the applicant, Polly A. Sarahas? A Yes sir, I knew her.

Q Well where did you know her first? A My first acquaintance with her was in the Wyandotte Nation.

Q Was she regarded as a citizen in that Wyandotte Nation in that Miami Country? A She was spoke of as a citizen of the Cherokee Nation.

Q Didn't claim citizenship over there? A Oh now, not that I know of. I never heard anything that way.

BY MR. HASTINGS:

Q When did you know her there? A '73, when she was a girl.

Q Husband a Wyandotte? A Yes sir.

Q Who spoke of her as a citizen of the Cherokee Nation? A Mrs. Laughlin.

Q Who was Mrs. Laughlin, Wyandotte? A Wyandotte.

Q She was not a Cherokee, Mrs. Laughlin? A No sir, she was a Wyandotte.

Q That is all the woman you ever heard speak of her as a citizen of the Cherokee Nation? A No, I heard several of them speak of her as a Cherokee; I asked what girl that was staying with Mrs. Laughlin and they said it was a Cherokee girl.

BY COMMISSION: The following is offered in evidence by the Cherokee Nation:

"Seneca Training School,  
Wyandotte, Quapaw Agency, I.T., February 17, 1902.

To whom it may concern:

I hereby certify that Polly A. Sarahas received no allotment in any of the reservations in this agency, and that the allotment received by her children in the Wyandotte reservation, Quapaw Agency, Indian Territory, is as follows:

"Elmer Sarahas, son, deceased: R. 1/2 of S.E. 1/4 Sec. 18, T. 27 R. 25 N.W. E 1/2 of N.W. 1/4 of Sec 32, T. 27 R. 25 containing in all 40 adres.

Alberta Sarahas Long, daughter, W 1/2 S.E. 1/4 Sec. 18 T. 25 R. 25; W. 1/2 N.W. 1/4 of Sec. 32, T. 27, R. 25, containing in all 40 acres.

Frank Sarahas, son, lot 1, N.W. 1/4 sec. 17, T. 27 R. 25; lot 4 N.E. 1/4 sec. 18, T. 27 R. 25, containing in all 34.50.

I further certify that no children of Alberta Sarahas Long received any allotment of any reservation of this agency.

The above named children of Polly A. Sarahas are members of the Wyandotte tribe of this Agency, which tribe received no annuities from the U.S. government.

Certified to by me this 17th day of February, 1902.

Horace B. Durant,  
Superintendent and acting United States  
Indian Agent."

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation submit this case to the Commission and same is ordered closed and reported to the Commission for decision, based upon the evidence now of record. The attorney for the applicant requests and will be granted 15 days in which to file in this case a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation.

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

(signed) M.D.Green.

Subscribed and sworn to before me this February 27, 1902.

(signed) T.B.Needles, Commissioner.

I, M.D.Green, do hereby certify as stenographer to the Commission to the Five Civilized Tribes that I made the foregoing copy and that same is a true and complete copy of the original transcript.

M.D.Green

"R"

Cherokee D 347

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 25, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Alberta Long for the enrollment of herself and children as Cherokee citizens.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., Attorneys for the applicants;  
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and her attorneys were notified by registered letter February 5th that this case would be taken up for final consideration by the Commission on the 25th day of February 1902. Case has been called and applicant appears by her attorneys, Mellette & Smith, Vinita, Indian Territory.

BY MR. HASTINGS: The Cherokee Nation asks that the testimony filed in doubtful case 345, being that of Polly A. Sarahas, the mother of the applicant, be filed and made a part of the record in this case, and calls special attention to the fact that the name of Alberta Sarahas Long, her daughter, received an allotment in the Wyandotte Nation, as shown in that certificate on file in that case.

BY COMMISSION: The attorney for the applicant and the Representative of the Cherokee nation present submit this case to the Commission and same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record. The attorney for the applicant requests and will be granted 15 days in which to file brief in this case, one copy with the Representatives of the Cherokee Nation and one copy with the Commission.

-----

M.D.G reen, 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.G. Green

Subscribed and sworn to before me this February 27, 1902.



Commissioner.

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

In the matter of the application for the enrollment of Polly A. Sarahas, et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Polly A. Sarahas, et al.,  
Alberta Long, et al.,

Cherokee D-345,  
Cherokee D-347.

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

THE RECORD IN THIS CASE SHOWS: That on September 19, 1900, Polly A. Sarahas appeared before the Commission to the Five Civilized Tribes, at Vinita, Indian Territory, and made application for the enrollment of herself and her minor child, Frank Sarahas, as citizens by blood of the Cherokee Nation. On the same date Alberta Long (nee Sarahas), appeared before the Commission to the Five Civilized Tribes and made application, for the enrollment of herself and her minor child, Elmer L. Long; and subsequently she filed with the Commission an affidavit showing the birth of the said Elmer L. Long, which was filed with and made a part of the record in this case. Subsequently and on February 25, 1902, William Lucien Long, infant child of the said Alberta Long, was listed for enrollment on the filing of proper proof of birth, which is made a part of the record herein.

Further proceedings were had in this case at Chelsea, Indian Territory, on May 28, 1901, at Muskegee, Indian Territory, on February 25, 1902, and October 18, 1904.

The record herein further shows that the principal applicant, Polly A. Sarahas (Nee Hurt) was born in the Cherokee Nation about 1861; that her mother, Rachel Hurt (nee Forester) who died about 1862 or '3 was identified with and recognized as a Cherokee citizen; that Polly A. Sarahas resided in the Cherokee Nation from the date of her birth until 1873, when she was taken by her step-mother to the Wyandotte Nation, Indian Territory, where she grew to womanhood and married her husband, Richard Sarahas, a Wyandotte Indian. As the issue of this marriage, Alberta Sarahas and Frank Sarahas were born. It is further shown from the record herein that on May 7, 1899, said Alberta Sarahas was married to William P. Long, a Wyandotte Indian, and as the issue of this marriage, Elmer L. Long and William Lucien Long were born.



The evidence herein further shows that Polly A. Sarahas resided in the Wyandotte Nation from about 1873 until about 1890, when she and her said husband, with their minor children, Frank Sarahas and Alberta Sarahas, returned to the Cherokee Nation, and have since made their home continuously therein. The applicants, Polly A. Sarahas, Frank Sarahas and Alberta Long, are duly identified upon the 1896 Cherokee Census Roll.

The evidence herein further shows that the said Frank Sarahas and Alberta Long are recognized citizens of the Wyandotte Nation; and as such have received allotments of land therein.

Following the decision of the Department in the case of Nancy Sky, et al., (I. T. D. 4991-1902), Frank Sarahas and Alberta Long forfeited their rights to citizenship in the Cherokee Nation when they were recognized as citizens of, and took allotments of land in, the Wyandotte Nation, and by virtue of said forfeiture on the part of said Alberta Long, prior to the birth of her minor children, Elmer L. Long and William Lucien Long, who claim their rights as Cherokees solely through their mother, they can have no rights as citizens of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 498), Alberta Long, Elmer L. Long, William Lucien Long and Frank Sarahas are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of said section twenty-one of the Act above cited, Polly A. Sarahas is entitled to enrollment and her application is therefore granted.

(Signed) Tams Birby  
COMMISSIONER.

Dated at Muskogee, Indian Territory,  
this Sep 29 1905

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

WASHINGTON, D. C. April 8, 1925

I, E. B. Meritt, Assistant Commissioner  
of Indian Affairs, do hereby certify that the papers hereto attached  
are true copies of the original as the same  
appear on file in this Office.

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



*E. B. Meritt*  
Assistant Commissioner

g

APPLICATION OF WILLIAM LUCIEN  
LONG, OF Delaware District,  
Cherokee Nation, Indian Ter-  
ritory, for admission as a  
Citizen of the Cherokee Nation  
by blood.

Approved  
Feb 25 1908  
C. N. McQuinn  
Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
FEB 26 1908

IN RE APPLICATION FOR ENROLLMENT OF WILLIAM LUCIEN LONG AS A MEMBER OF THE CHEROKEE NATION BY BLOOD.

Name of Father William P. Long who is a citizen of the Wyandotte Nation.  
Age of father 30 years; P.O. address Fairland I. T. Resides on the road a half mile west of Fairland, I.T. in Delaware District, Cherokee Nation, I.T.  
Name of Mother Alberta Long, age 23 years, P.O. address Fairland, I.T. who is a citizen of the Cherokee Nation, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA  
INDIAN TERRITORY SS.  
NORTHERN DISTRICT.

Alberta Long, of lawful age being by me first duly sworn to testify to her oath deposes and says that her name is Alberta Long; that she is 23 years of age; that she resides in Delaware District, Cherokee Nation, Indian Territory; that she is the wife of William P. Long, who is a citizen of the Wyandotte Nation; that on the 17th day of February, A.D. 1901, there was born to her and the said William P. Long a male child who has been named William Lucien Long, and who is now living. That she is a citizen of the Cherokee Nation by blood.

Subscribed and sworn to before me on this 1st day of May, 1903.

Henry Patton

My Commission expires 8/10/1903.

UNITED STATES OF AMERICA  
INDIAN TERRITORY SS. AFFIDAVIT OF A WITNESS.  
NORTHERN DISTRICT.

Ed James, of lawful age, being by me first duly sworn to testify to his oath deposes and says that he is a regular preacher by profession; that he attended on Mrs. Alberta Long, wife of William P. Long, on the 17th day of February, A.D. 1901 at which time there was born to her a male child, which said child is now living and is well known and named William Lucien Long.

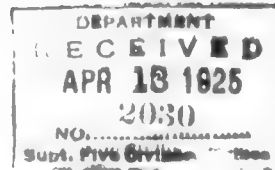
*Ed James*

Subscribed and sworn to before me on this the 1st day of May, 1903.

Henry Patton

My Commission expires 8/10/1903.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



WASHINGTON, D. C.

April 8, 1925

I, E. B. Meritt, Assistant Commissioner  
of Indian Affairs, do hereby certify that the papers hereto attached  
are true copies of the original as the same  
appears on file in this Office.

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



E. B. Meritt

Assistant Commissioner



IN RE

Application for Enrollment of

INFANT CHILD

*Oliver B. Hong*  
as a citizen of the  
*Sherokee* Nation

Approved *SEP 19 1900* 190

*[Signature]*  
Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
SEP 19 1900

*and No. 2347*

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Elmer Lee Sang, born on the 7th day of Dec. 1899

Name of Father: William P. Sang citizen of the Wyandotte Nation.

Name of Mother: Albertie Sang, a citizen of the Cherokee Nation.  
Postoffice, Fairland, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,  
Northern District.

I, Albertie Sang, on oath state that I am 32 years of age and a citizen, by Blood of the Cherokee Nation; that I am the lawful wife of William P. Sang who is a citizen, by Blood of the Wyandotte Nation; that a male child was born to me on the 7th day of December 1899, that said child has been named Elmer Lee and is now living.

WITNESSED TO ME

Albertie Sang

(Not to You Witness)

Subscribed and sworn to before me this 18th day of Sept. 1900  
W. A. Deans.

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,  
District.

I, J. R. Deans, Physician, on oath state that I attended on Mr. Albertie Sang wife of William P. Sang on the 7th day of December 1899 that there was born to her on said date a male child now living and is said to have been named Elmer Lee

WITNESSED TO ME

J. R. Deans M.D.

18th Sept. 1900  
J. R. Deans

Fi

102117

HP S 100



COMMISSIONERS:  
HENRY L. DAVIS  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

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

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory..... **February 6th,** 1902

**Mrs. Alberta Long,**  
**Fairland, Indian Territory,**

**Sir:-**

You are hereby notified that the application of..... **yourself and minor**  
**child**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the **25th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

**Cherokee D-347**  
**Register**

.....  
Yours truly,

Acting Chairman.

19345

3

Seneca Indian Training School,

Wyandotte, Quapaw Agency, I. T.

February 17, 1902.

To Whom it may concern, I hereby certify that Polly A. Sarahas received no allotment in any of the reservations in this Agency, and that the allotments received by her children in the Wyandotte Reservation, Quapaw Agency, Indian Territory are as follows:

Elmer Sarahas, son, deceased, E/2 of SE/4- Sec. 18-T. 27-R. 25 and E/2 of NW/4 of Sec. 32- T. 27- R. 25, containing in all 40 acres.

Alberta Sarahas Long, daughter, W/2 of SE/4 Sec. 18- T. 27- R.25 and W/2 of NW/4 of Sec. 32- T. 27- R. 25, containing in all 40 acres.

Frank Sarahas, son, Lot 1- NW/4 of Sec. 17- T. 27- R. 25 and Lot 4- NE/4 of Sec. 18- T. 27- R. 25, containing in all 34.51 acres.

I further certify that no children of Alberta Sarahas Long  
any allotment on any Reservation in this Agency. X

The above named children of Polly A. Sarahas are members of the Wyandotte Tribe of this Agency which tribe receive no annuities from the U. S. Government.

Certified to by me, this 17 day of February 1902.

  
Superintendent and Acting

U. S. Indian Agent.

INDEXED.

U. S. DEPARTMENT OF THE INTERIOR	
NO.	DATE
1903	FEB 25 1903

Cherokee Land Office,  
Vinita, I. T.,  
Feb. 25, 1903.

Transmitting records in  
cases of Polly A. Sarahas,  
et al., Cher. D 345, and  
Alberta Long, et al., Cher.  
D 342, that decisions may  
be prepared.

COMMISSIONERS  
HENRY L. DAWES  
TANS BIRBY,  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

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

REFER IN REPLY TO THE FOLLOWING

Cherokee D-345.  
Cherokee D-347.

ALLISON L. AYLESWORTH  
SECRETARY

Vinita, Indian Territory, February 25, 1903.

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

Gentlemen:

I have the honor to transmit herewith, the records in the matter of the applications of Polly A. Sarahas, et al., Cherokee D-345, and Alberta Long, et al., Cherokee D-347, for enrollment as citizens of the Cherokee Nation.

It does not appear that any decisions have been prepared in these cases and the same are forwarded for the consideration of the Commission. If any further testimony is considered necessary, I respectfully recommend that the record be returned with a statement of the evidence desired.

Respectfully,

  
Clerk in Charge.

Encl. P-90.

RP

COMMISSIONERS  
TAMS DIXBY  
THOMAS B. NABBLER  
C. R. BRECKENRIDGE  
W. E. STANLEY

ALLISON L. AVLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-345-7.

Muskogee, Indian Territory, May 12, 1903.

Commissioner in Charge,  
Cherokee Land Office,  
Tahlequah, Indian Territory.

Sir:

There is herewith enclosed the original record in Cherokee doubtful case D-345, Polly A. Sarahas et al., and D-347, Alberta Long et al.

Upon an examination of the record in this case, it is considered that there is not sufficient testimony upon which to prepare a decision, and it is suggested that the testimony of the alleged step-mother of Polly A. Sarahas be procured if possible, and that an effort be made through her to establish the maternal ancestry of the said Polly A. Sarahas.

Respectfully,

Commissioner in Charge.

Enc. M-195

C.D. 347.

Muskogee, Indian Territory, June 29, 1905.

Superintendent of Quapaw Agency,  
Wyandotte, Indian Territory.

Dear Sir:-

There is on file with this Commission a certificate, dated February 17, 1902, which shows that, among others, Alberta Sarahas Long, daughter of Polly A. Sarahas, has selected an allotment of land as a citizen of the Wyandotte Nation.

In order that her rights, if any, as a citizen of the Cherokee Nation may be properly adjudicated, it is requested that you inform the Commission as early as practicable of the date on which the said Alberta Sarahas Long made said selection of land in the Wyandotte Nation.

Respectfully,

*James Bixby.*  
Chairman.

Cherokee D-347.

Muskogee, Indian Territory, June 30, 1906.

Superintendent of Quapaw Agency,  
Wyandotte, Indian Territory.

Dear Sir:

There is on file with this Commission a certificate dated February 17, 1902, which shows that, among others, Alberta Sarahas Long, daughter of Polly A. Sarahas, has selected an allotment of land as a citizen of the Wyandotte Nation.

In order that her rights, if any, as a citizen of the Cherokee Nation may be properly adjudicated, it is requested that you inform the Commission as early as practicable of the date on which the said Alberta Sarahas Long made said selection of land in the Wyandotte Nation.

Respectfully,

SIGNED

Chairman.



DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE.

Quapaw Agency, Indian Territory.

Wyandotte, I. T., July 3, 1905.

The Chairman

Commission to the Five Civilized Tribes.

Muskogee, Ind. Ter.

Sir:

Replying to your communication of June 30, 1905, (Cherokee D-347) requesting date on which Alberta Sarahas Long made selection of land in the Wyandotte reserve, Indian Territory,- I have the honor to state that said date is not of record in this office. The information may be obtained from the Commissioner of Indian Affairs.

The records of this office only show the description of the allotment, viz: #59, W/2 of SW/4 of SW/4 Sec. 18 and E/2 of NW/4 of SW/4 Sec. 32,- Twp. 27 N., R. 25 E., approved January 1<sup>st</sup>, 1892; reported to Secretary for patent Jan. 11, 1892, patent dated April 19, 1892.

Very respectfully,

(Signed):

Howard L. Durant

Superintendent.

Cherokee D-345,

1000

et al.

Muskogee, Indian Territory, September 29, 1905.

V. V. Hastings,  
Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Polly A. Sarahas, and rejecting the applications for the enrollment of Frank Sarahas; Alberta, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation.

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

Respectfully,

SIGNED,

1807

Commissioner.

LR  
Incl. S-70

Cherokee D-348,  
et al.

COPY

Wuskogee, Indian Territory, September 29, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings and decision in the consolidated application of Polly A. Sarahas, et al., granting the application for the enrollment of Polly A. Sarahas, and rejecting the applications for the enrollment of Frank Sarahas, and Alberta, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation.

Respectfully,

W. G. NEELY

IS  
Incl. S-71

Commissioner.

Through the

Commissioner of Indian Affairs.

Cherokee D-345,

et al.

Muskogee, Indian Territory, September 29, 1905.

Edgar Smith,

Attorney for Polly A. Sarahas, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Polly A. Sarahas, and rejecting the applications for the enrollment of Frank Sarahas, Alberta, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

Incl. S-69  
Register

*James H. Smith*  
Commissioner.

Cherokee D-347.

Muskogee, Indian Territory, September 29, 1905.

Alberta Long,

Fairland, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, your application for the enrollment of yourself and minor children as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

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

Respectfully,

SIGNED

*Tamm Dixie*

Commissioner.

Incl. 8-67  
Register

( COPY )

Land.

78758-1906

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. October 12, 1906.

The Honorable,

The secretary of the Interior.

sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 29, 1906, transmitting the record of the consolidated applications for enrollment as citizens by blood of the Cherokee Nation by Polly A. Sarahas for herself and her minor child, Frank Sarahas, and by Alberta Long ( born Sarahas ) for herself and her minor children, Elmer L. and Willia Lucien Long.

September 29, 1906, the Commissioner decided favorably to Polly A. Sarahas and adversely to all the other applicants.

The record shows that Polly A. Sarahas, born Hunt, was born in the Cherokee Nation about 1861; that her mother, Rachel Hunt, born Forrester, who died about 1862 or 3 is identified with and recognized as a Cherokee citizen; that Polly A. Sarahas resided in the Cherokee nation from the date of her birth until 1872, when she was taken by her step-mother to the Wyandotte Nation where she grew to womanhood and married Richard Sarahas, a Wyandotte Indian. As issue of this marriage

Alberta and Frank Sarahas were born. On May 7, 1899, Alberta was married to William P. Long, a Wyandotte Indian, and as issue of this marriage, Elmer L. and William Lucien Long were born. It is further shown that Polly A. Sarahas resided in the Wyandotte Nation from about 1873 to 1890 when she and her husband with their minor children, Frank and Alberta, returned to the Cherokee Nation and have made their home there continuously since. The applicants, Polly A. and Frank Sarahas and Alberta Long are identified on the 1896 Cherokee Census Roll.

The record further shows that Frank Sarahas and Alberta Long are recognized citizens of the Wyandotte Nation and as such have received allotments of land therein, prior to the birth of the children of Alberta Long.

In view of the record and of the decision in the case of Nancy Sky et al. (I.T.D. 4991-1902) May 9, 1903, the approval of the Commissioner's decision adverse to Alberta, Elmer L. and William Lucien Long and Frank Sarahas and favorably to Polly A. Sarahas is recommended.

Very respectfully,

G. F. Larrabee

Acting Commissioner

M. M. S. (W)

D.C.50415  
I.T.D.13474-1905  
13948- "

Y.P.  
FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

L.R.S.

November 2, 1905.

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

Sir:

September 29, 1905, you transmitted the record in the consolidated case of Polly A. Sarahas, et al., involving the applications of Polly A. and Frank Sarahas, and Alberta, Elmer L., and William Lucien Long, for enrollment as citizens by blood of the Cherokee Nation, including your decision of the same date, which was favorable to Polly A. Sarahas and adverse to all the other applicants.

Reporting October 12, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

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

Consideration has been given to a protest of the Cherokee Nation against your decision.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inclosure.



Cherokee D-346-347.

COPY.

Muskogee, Indian Territory, November 10, 1905.

Edgar Smith,

Attorney for Polly A. Sarahas, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Polly A. Sarahas, and rejecting the applications for the enrollment of Frank Sarahas and Alberta, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 2, 1905.

You have heretofore been furnished a copy of Departmental decision referred to.

Respectfully,

SIGNED:

*Edgar Smith*  
Commissioner.

LS

Muskogee, Indian Territory, November 10, 1905.

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

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, granting the application for the enrollment of Polly A. Sarahas, and rejecting the applications for the enrollment of Frank Sarahas and Alberta, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 2, 1905.

For your information, there is inclosed herewith a copy of Departmental decision above referred to.

Respectfully,

SIGNED.

*Jama Dixby*

Commissioner.

Incl. S-113

COPY.

Cherokee D-347.

Muskogee, Indian Territory, November 10, 1905.

Alberta Long,

Fairland, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, the application for the enrollment of yourself and minor children, Elmer L. and William Lucien Long, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 2, 1905.

Respectfully,

SIGNED

*Tamm Dwyer*

Commissioner.

LS

Cherokee D-345,

et al.

Muskogee, Indian Territory, November 15, 1905.

Edgar Smith,

Attorney for Polly A. Sarahas, et al.,

Vinita, Indian Territory.

Dear Sir:

This office is in receipt of your letter of November 10, inclosing a letter addressed to the Department, and a motion supported by affidavits to have reopened the Cherokee enrollment case of Polly A. Sarahas, et al. You are advised that the same have this day been forwarded to the Department.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, April 11, 1906.

Honorable Tams Bixby,  
Hotel Raleigh,  
Washington, D. C.

Sir:

There is inclosed herewith, prepared for your signature, letter addressed to the Department transmitting motion for review of Departmental decision in Cherokee enrollment case of Polly A. Sarahas, et al.

If the letter as prepared meets with your approval, please return, after attaching your signature thereto, one of the ribbon copies in order that a letter press copy may be made of same.

Respectfully,

Incl. S-31

Acting Commissioner.

Muskogee, Indian Territory, April 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith letter from Edgar Smith, Vinita, Indian Territory, attorney for Polly A. Sarahas, et al., inclosing a motion to review and reopen the Cherokee enrollment case of Polly A. Sarahas. Proper service of the motion and the affidavits attached, signed by Polly A. Sarahas, Caroline Lofland, Hollie Bolin and Lewis Bolin, has been had on the attorney for the Cherokee Nation. On November 2 (I.T.D. 14474, 13948-1905), the Department affirmed the decision of this office favorable to Polly A. Sarahas and adverse to her children, Alberta Long, nee Sarahas, and Frank Sarahas, and grandchildren, Elmer I. Long, and William Lucien Long.

The records in this case shows that Alberta Long and Frank Sarahas are the children of Polly A. Sarahas, the principal applicant, a citizen of the Cherokee Nation, and Richard Sarahas a citizen of the Wyandotte Nation, and that Elmer I. and William Lucien Long are the minor children of said Alberta Long and William P. Long, a non-citizen of the Cherokee Nation. The record herein further shows that Alberta Long and Frank Sarahas were born in the Wyandotte Nation, removed to the Cherokee Nation

Secretary--2.

the year 1890, where they have resided continuously from that time up to and including September 1, 1902. Their names are identified on the 1896 Cherokee census roll. The record further shows that they are recognized citizens of the Wyandotte Nation, and as such allotments of land have been made to them. It is further shown by the record herein that Elmer L. and William Lucien Long were born in the Cherokee Nation and have resided therein continuously all of their lives.

It is contended in the motion inclosed herewith, that the allotments of land in the Wyandotte Nation were arbitrarily made to Alberta Long and Frank Sarahas while they were minors; that Polly A. Sarahas, their mother, has always contended that she and her children were citizens of the Cherokee Nation and not of the Wyandotte Nation, and that she never consented for the allotments to be made to them in the Wyandotte Nation. The record herein fails to show the manner in which these allotments were made, and whether or not they have been disposed of.

The record in the matter of the application for the enrollment of Nancy Sky (I.T.D. 4991-1902), as a citizen of the Cherokee Nation, to the ruling in which case this office referred in its decision of September 29, 1905, in the Sarahas case, shows that her name is upon the register of Shawnee Indians who came to the Cherokee Nation within the time required by the terms of the agreement of 1869 between the Shawnee Nation and the Cherokee Na-

Secretary--3.

tion; that she resided in the Cherokee Nation from 1871 until 1882, when she removed to that portion of the Cherokee Nation now known as Oklahoma and resided there for nine years, when she removed to the Peoria Nation and married William Sky, a Peoria Indian; that she received an allotment of land as a member of said Peoria tribe, and that she is upon no roll of the Cherokee Nation.

Acting upon the decision of the Commission to the Five Civilized Tribes of July 29, 1902, in the Sky case, and referring to section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), which in part provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

the Department held:

Said section of the act of June 28, 1898, is applicable only when an applicant claims citizenship in two nations of the five civilized tribes, over which you have jurisdiction. Sky, however, having become an adopted citizen of the Peoria tribe, and having received an allotment of land in that nation, lost her citizenship in the Cherokee Nation, and, of course, for that reason her child has no rights there. The application is rejected accordingly.

In the case of Laura Parker, an applicant whose name is identified on the 1850 authenticated and 1895 census rolls of the Cherokee Nation, for enrollment as a citizen by blood of the



Secretary--4.

Cherokee Nation, the Commission to the Five Civilized Tribes held in its decision of May 13, 1905, that inasmuch as she had been enrolled as an Eastern Shawnee Indian of the Quapaw Agency, and as such had received an allotment of land in the Eastern Shawnee Reservation, Indian Territory, she was not entitled to enrollment as a citizen of the Cherokee Nation, and her application for enrollment was accordingly denied by the Commission. The Department in its letter of June 15, 1905 (I.T.D. 6044-1905), stated,

The Department does not concur in your views. The applicant appears to have been born in the Cherokee Nation; she was married to Parker in 1866 and has always resided in the Cherokee Nation. As to the Shawnee allotment and patent, it is testified that she never saw the land so allotted, never made any application for it, and was not instrumental in having it allotted to her, and that she never made any use of the land. It is shown, however, that she received the patent and receipted for it April 25, 1891.

The Indian Office informally advised the Department that its records do not show that any of this land has been alienated by the allottee.

The husband of the applicant stated in his testimony that the patent was sent to his wife, "but she didn't want it. Of course she didn't know whether she could return that or not, and she would rather relinquish that right if she could."

You will advise the applicant that if she will surrender the Shawnee patent to the Department, through your office, and file at the same time a duly executed relinquishment of the land embraced in the patent, and furnish an affidavit showing that no part of the land has been alienated or encumbered in any way, she will be enrolled as a citizen of the Cherokee Nation should no valid objection then appear.

On August 8, 1905, this office transmitted the patent issued to Laura Parker of the land allotted her as an Eastern Shawnee, a duly executed relinquishment of the land embraced in the patent, and an affidavit showing that she has never derived any benefits from said land, and has never disposed of same by

Secretary--5.

deed, mortgage, or any other manner. Referring to Departmental letter of September 25, 1905 (I.T.D. 12106-1905), this office transmitted an unconditional relinquishment of Laura Parker to the land allotted her in the Shawnee Reservation, and on November 22, 1905 (I.T.D. 6044-1906, 18760-1905), the Department cancelled the patent describing said land and authorized the enrollment of Laura Parker as a citizen of the Cherokee Nation in accordance with its decision of June 18, 1905. Her name is embraced in a partial roll of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior January 13, 1906, opposite No. 32782.

In the affidavit of Polly A. Sarahas, attached to the motion inclosed, she states that "she notified Major Howard, the first allotting agent of the Wyandotte Reservation, that she desired that her children be not given land in the Wyandotte Reservation for the reason that she was a Cherokee Indian and as such was entitled to an allotment in the Cherokee Reservation and that she desired her children to have allotments in the Cherokee Reservation as they lived in the Cherokee Reservation and were recognized as citizens of the Cherokee Reservation," and "during the second allotment in the Wyandotte Reservation, while she and her children were residing in the Cherokee Reservation, that allotments were given her children in the Wyandotte Reservation without her knowledge or consent . . . ."

This office respectfully recommends that in the event the Department decides to take favorable action on the motion

Secretary--6.

to reopen the Cherokee enrollment case of Polly A. Sarahas, et al., Polly A. Sarahas, or her children, Alberta Long and Frank Sarahas, be first required to conform to the conditions imposed in the Laura Parker case, i.e. she, or they, be required to surrender the patents to land allotted them in the Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner.

Respectfully,

Incl. S-150.

Commissioner.

Through the Commissioner  
of Indian Affairs.

LAND  
88152-1905.  
33941-1906.

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

C O P Y

September 14, 1906.

The Honorable,

The Secretary of the Interior.

sir:

Referring to departmental letter of November 2, 1905, (I.T.D.14474-13948-1905), affirming the decision of the Commission to the five civilized tribes favorable to Polly A. Sarahas and adverse to her children, the Office has the honor to transmit herewith report from the Commissioner to the five civilized tribes, enclosing a motion to re-open and review this decision, as to the children and grandchildren of Polly A. Sarahas.

It appears from the Commissioner's report that Alberta Long and Frank Sarahas are the children of Polly A. Sarahas, the principal applicant, a citizen of the Cherokee Nation, and Richard Sarahas, a citizen of the Wyandotte Nation, and that Elmer Long and William Lucien Long are the minor children of Alberta Long and William P. Long, a non-citizen; also that Alberta Long and Frank Sarahas were born in the Wyandotte Nation, and removed to the Cherokee Nation in the year 1890 and have resided therein continuously up to and including September 1, 1902, and that their names appear on the 1896 Cherokee census roll; that they are recognized citizens of

the Wyandotte Nation, and as such have received allotments of land in that Nation. It is further shown that Elmer Long and William Lucien Long were born in the Cherokee Nation and have resided therein continuously all their lives. It is set out in the motion that the allotments of land in the Wyandotte Nation were arbitrarily made to Alberta Long and Frank Sarahas, while they were minors, and that their mother has always contended that she and her children were citizens of the Cherokee Nation, and not of the Wyandotte Nation, and that she never consented to the assigning of allotments to them.

The commissioner recommends that in the event the Department decides to take favorable action on the motion to re-open the Cherokee enrollment case of Polly A. Sarahas, et al., or of her children, Alberta Long and Frank Sarahas, that they first be required to surrender the patents to lands allotted to them in the Wyandotte Nation and file an unconditional relinquishment of the lands embraced in the patents, and to make a satisfactory showing that the land has not been disposed of or encumbered in any manner.

The Office concurs in the recommendation of the commissioner.

Very respectfully,

V. E. Leupp,

Commissioner.

WXX-EC.

D.C.42644

J.P.

DEPARTMENT OF THE INTERIOR, THE

I.T.D.17916-1906.

WASHINGTON.

September 24, 1906.

L.R.S.

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

Sir:

November 2, 1905, the Department affirmed your decision of September 29, 1905, in the Cherokee enrollment case of Polly A. Sarahas and Frank Sarahas and Alberta Long, Elma L. Long and William L. Long, in favor of Polly A. Sarahas and adverse to the other applicants.

The attorneys for the nation protested against the enrollment of Polly A. Sarahas.

Alberta Long and Frank Sarahas, the latter a minor, are the children of Polly A. Sarahas. Elma L. Long and William L. Long are the minor children of Alberta Long.

As stated in your decision it appears from the testimony that Polly A. Sarahas was born in the Cherokee Nation about 1861; that her mother, who died about 1862 or 1863, was identified with and recognized as a Cherokee citizen; that Polly A. Sarahas resided in the Cherokee Nation from the date of her birth until 1873, when she was taken by her step mother to the Wyandette Nation, Indian Territory, where she grew to womanhood and married Richard Sarahas, a Wyandette Indian, the father of Alberta Long and Frank Sarahas.

It appears that Alberta Sarahas was married to William P. Long, a Wyandotte Indian, and as the issue of this marriage Elma L. Long and William L. Long were born.

Polly A. Sarahas resided in the Wyandotte Nation from about 1873 to 1890, when she and her husband, with their minor children Frank Sarahas and Alberta Sarahas, returned to the Cherokee Nation, and have since made their home therein.

The names of the applicants, except William L. Long, who was born in 1901, are found on the 1896 Cherokee census roll.

It was considered, from the information before the Department, that Frank Sarahas and Alberta Long forfeited their rights to citizenship in the Cherokee Nation when they were recognized as citizens of and had allotments made to them in the Wyandotte Nation, and by virtue of said forfeiture on the part of Alberta Long prior to the birth of her said children, who claim their rights in the Cherokee Nation solely through their mother, they can have no rights as citizens of the Cherokee Nation, and it was held, as by you, that they were not entitled to enrollment. It was found that Polly A. Sarahas was entitled to enrollment under section 21 of the act of June 28, 1898 (30 Stat., 495).

On September 14, 1906 (Land 33941), the Indian Office submitted your letter of April 11, 1906, transmitting a motion to reopen the case as to the rejected applicants, with affidavits attached, which seem to have been filed in your office in November, 1905.

It is asserted in the motion that the allotments in the Wyandotte Nation were arbitrarily made to Alberta Long and Frank Sarahas while they were minors; that Polly A. Sarahas, their mother, has always contended that she and her children were citizens of the Cherokee Nation and not of the Wyandotte Nation, and that she never consented that allotments should be made to them in the Wyandotte Nation.

Polly A. Sarahas makes affidavit that "she notified Major Howard, the first allotting agent of the Wyandotte Reservation, that she desired that her children be not given land in the Wyandotte Reservation, for the reason that she was a Cherokee Indian and as such was entitled to allotment in the Cherokee Reservation, and that she desired her children to have allotments in the Cherokee Reservation as they lived in the Cherokee Reservation and were recognized as citizens of the Cherokee Reservation; that during the second allotment in the Wyandotte Reservation, while she and her children were residing in the Cherokee Nation, allotments were given her children in the Wyandotte Reservation without her consent.

The Department is informally advised by the Indian Office that land in Sections 16 and 32, Township 27, Range 25, Wyandotte Reservation, Indian Territory, was allotted to Albertie Sarahas, and that Frank Sarahas was allotted land in sections 17 and 18, said township and range, and that patents were issued to them April 19, 1892.



Calling attention to the ruling of the Department of June 15, 1905, in the case of Laura Parker, you recommended, in the event the Department decides to take favorable action on the motion to reopen the case, that Pelly A. Sarahas or her children, Alberta Long, and Frank Sarahas, be first required to conform to the conditions imposed in the Laura Parker case, i. e., she, or they, be required to surrender the patents to the land allotted to them in the Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner.

The Indian Office concurs in your recommendation.

In view of the information now before the Department, the decision of November 2, 1905, is rescinded as to all the applicants except Pelly A. Sarahas, and you are authorized to proceed as you have suggested, giving due notice hereof to the attorney for the Cherokee Nation.

The original record, motion to reopen, the protest of the nation mentioned, and a copy of the Indian Office letter, are inclosed.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

4 inclosures.

Cherokee  
R 978

Muskogee, Indian Territory, October 8, 1906

Alberta Long,

Fairland, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of September 24, 1906, granting a motion made by your attorney, Edgar Smith, Muskogee, Indian Territory, to reopen the Cherokee enrollment case of yourself and children, Elmer L. and William Lucien Long, and remanding the same to this office with authority to require you to surrender the patents to the land allotted you in the Wyandotte Nation "to file an unconditional relinquishment of the land embraced in the patent, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner."

You are therefore directed to forward to this office at the earliest practicable date the patent to the land allotted to you in the Wyandotte Nation; to make

Alberta Long-2

an unconditional surrender of the land described in the patent, and to file an affidavit showing whether or not any part of the land described in the patent has been disposed of or encumbered in any manner. You are also directed to forward an affidavit stating whether or not any land in the Wyandotte Nation has been allotted to your minor children, Elmer L., William Lucien, Lucile and Georgia Long ( application having been made for the enrollment of the latter two children under the Act of April 26, 1906).

Upon receipt of these documents you will be advised of any further action taken in your case.

Respectfully,

L K B

Commissioner

Cherokee

R 997

Muskogee, Indian Territory, October 8, 1906

Polly A. Sarahas,

Fairland, Indian Territory.

Dear Madam:

You are advised that this office is in receipt of Departmental letter of September 24, 1906, granting the motion made by your attorney, Edgar Smith, Muskogee, Indian Territory, to reopen your Cherokee enrollment case insofar as it rejected the application for the enrollment of your children, Frank Sarahas and Alberta Long, and grandchildren, Elmer L., and William Lucien Long, and remands the same to this office, with authority to notify the applicants that "they will be required to surrender the patents to land allotted them in the Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner."

You are therefore hereby directed to forward to this office at the earliest practicable date, the patents to the land allotted your children, Frank Sarahas and Alberta

Polly A. Garahas-2

Long; to file an unconditional relinquishment of the land embraced in the patents, and to forward affidavits showing whether or not any part of the land described in the patents has been disposed of or encumbered in any manner. You are also directed to forward affidavits stating whether or not allotments were made in the Wyandotte Nation to Elmer L. and William Lucien Long, and Lucille and Georgia Long, children of said Alberta Long.

Your attorney, Edgar Smith, has this day been advised of the Department's action in this case, and of the instructions given you herein. A similar letter has also been addressed to your daughter, Alberta Long, at Fairland, Indian Territory.

Respectfully,

L M B

Commissioner

Cherokee  
R 977-978

Muskogee, Indian Territory, October 8, 1906

Edgar Smith,

Attorney for Frank Sarahas, et al.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that your motion made November 10, 1905, to reopen the Cherokee enrollment case of Polly A. Sarahas et al., insofar as the decision of the Department was adverse to all of the applicants except Polly A. Sarahas, was granted by the Department on September 24, 1906; its decision of November 2, 1905, adverse to the applicants, rescinded, and this office authorized to require the applicants "to surrender the patents to land allotted them in the Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner."

In view of this action, Polly A. Sarahas, mother

Edgar Smith-2

of Frank Sarahas, and Alberta Long, both of Fairland, Indian Territory, have this day been advised of the Department's action, and directed to forward to this office at the earliest practicable date the patents describing the land allotted to Frank Sarahas and Alberta Long, nee Sarahas, in the Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents, and to file affidavits showing that no part of the land described in the patents has been disposed of or encumbered in any manner. They were also directed to file affidavits showing whether any land has been allotted to Elmer L. Long and William Lucien Long, minor children of Alberta Long, and Lucile and Georgia Long, who are also minor children of Alberta Long, and for whose enrollment as citizens of the Cherokee Nation, application has been made under the Act of Congress approved April 26, 1906 ( 34 Stat. 137).

Upon receipt of these documents this case will receive further consideration, and you will be duly advised thereof.

Respectfully,

L M B

Commissioner

8113201

Cherokee  
977 978

Muskogee, Indian Territory, October 8, 1906

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

Dear Sir :-

There is enclosed herewith copy of Departmental letter of September 24, 1906, granting a motion to reopen the Cherokee enrollment case of Polly A. Sarahas et al., insofar as the same is adverse to the applicants, and remanding the case to this office with authority to require applicants to surrender patents to the land allotted to them in the Wyandotte Nation; to file an unconditional relinquishment of the land embraced in the patents and to make satisfactory showing that the land has not been disposed of or encumbered in any manner.

You are advised that the principal applicants, Polly A. Sarahas and Alberta Long, of Fairland, Indian Territory, and their attorney, Edgar Smith, of Muskogee, Indian Territory, have this day been notified that they



W. W. Hastings-2

would be required to comply with the above instructions, and to file affidavits showing whether or not any land in the Wyandotte Nation has been allotted to Elmer L., William Lucien, Lucile and Georgia Long, minor children of said Alberta Long, application having been made for the enrollment of the latter two mentioned children, as citizens of the Cherokee Nation, under the Act of April 26, 1906.

You will be advised of any further action taken in this case.

Respectfully,

L M B

Commissioner

Encl. B-102

( COPY )

ZEVELY, GIVENS & SMITH,  
Attorneys at Law,  
Muskogee, Ind. Ter.

November 28, 1906.

The Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Sir:

Referring to your communication to me of October 8, 1906, Cherokee R 977-978, in the matter of the placing upon the Cherokee roll the children and grandchildren of Polly A. Sarahas, and in accordance with the instructions contained in your said letter, I enclose herewith the original patents issued by the United States of America to Albertie Sarahas to the following described land, to-wit: the west half of the southeast quarter of the southeast quarter of Section eighteen, and the east half of the northwest quarter of the southeast quarter of Section thirtytwo, in Township twenty-seven North, of Range twenty-five East of the Indian Meridian, Indian Territory, containing forty acres; and to Frank Sarahas to the following described land, to-wit: the lot numbered four of Section eighteen, and the lot numbered one of Section seventeen in Township twenty-seven North, of Range twenty-five east of the Indian Meridian, Indian Territory, containing thirty-four acres and fifty one hundredths of an acre.

In accordance with the instructions in your letter above mentioned these original patents are accompanied by unconditional

relinquishments of the land embraced therein and by affidavits showing that no part of the lands as described in the patents has been disposed of or incumbered in any manner.

Kindly advise me when to have the allottees appear at your office for the purpose of completing their filings.

Respectfully,

(Signed) Edgar Smith.

enc

ES/W

Cherokee  
R. 977 R 978

Muskogee, Indian Territory, December 20, 1906.

Edgar Smith,

Attorney for Alberta Long, et al.

Muskogee, Indian Territory.

Dear Sir:

With your letter dated November 28, 1906, received December 15, 1906, you transmit, as requested by this office, the patents to land allotted Albertie and Frank Sarahas in the Wyandotte Nation, Indian Territory, and affidavits showing that the land has not been alienated or encumbered, and relinquishments of said parties to the land allotted them "for and in consideration of the right to take an allotment in the Cherokee Nation."

The applicants in this case claim the right to enrollment through their mother, Pelly Sarahas, a duly enrolled citizen of the Cherokee Nation, and were rejected by the Department for the reason that allotments of land had been made to them in the Wyandotte Nation. There appears to be no question but what these applicants will be enrolled as citizens of the Cherokee Nation, if they surrender patents to the land allotted to them in the Wyandotte Nation

Wigar Smith--2

and make satisfactory showing to the Department that the land has not been encumbered or alienated. While this may be true, it would not appear to be advisable to accept relinquishments of the land in the Wyandotte Nation conditional upon their enrollment as citizens of the Cherokee Nation.

The relinquishments are enclosed, and it is requested that the applicants file unconditional relinquishments of the land allotted them in the Wyandotte Nation, and upon receipt of the same proper action will be taken.

As under the law, there is no authority for the placing of any names upon the roll of citizens of the Cherokee Nation after March 4, 1907, early action in the case is requested.

Respectfully,

(Signed) William O. Beall,

Acting Commissioner.

Enc. B-98

January 11, 1907.

The Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

In the matter of Frank Sarahas and Albertie Long nee Sarahas, and referring to your letter of December 20th, 1906, Cherokee R 977 and R 978, find enclosed new forms of relinquishment conforming to your suggestion that no recital should appear in said relinquishment to the effect that they are made in consideration of allotment in the Cherokee Nation. You have the affidavit showing that Albertie Long is identical with Albertie Sarahas, and also the affidavits of the parties that no incumbrance of any character or description has been placed upon the Wyandotte lands, and also the patents to the lands in the Wyandotte Nation, so that these new forms of relinquishment drawn to conform to your requirement, I take it, completes the necessary matter for action in your department, and, as the time is limited for placing names upon the Cherokee roll to about the first of next March as I remember it, I trust that this matter is now in such condition as to insure the immediate enrollment of the parties in interest.

Very respectfully,

enc

(Signed)

Edgar Smith.

ES/v

Muskogee, Indian Territory, January 24, 1907.

SPECIAL:

The Honorable,

The Secretary of the Interior:

Sir:

September 24, 1906 (I.T.D. 17916-1906), the Department concurred in the recommendation of the Commissioner of April 11, 1904, and that of the Indian Office of September 14, 1906, (Land 86152-1905, 33941-1906), and rescinded Departmental decision of November 2, 1905 (I.T.D. 14474, 13948-1905), except as to Polly A. Sarahas, in the Cherokee enrollment case of Polly A. Sarahas et al., and authorized the Commissioner to proceed as suggested, i. e., the applicants, Alberta Long and Frank Sarahas be required to surrender the patents to the land allotted to them in the Wyandotte Nation, Indian Territory; to file an unconditional relinquishment of the land embraced in the patents, and to make satisfactory showing that the land has not been disposed of or encumbered in any manner.

Secretary-2.

October 8, 1906, the Commissioner advised the applicants, their attorney, and the attorney for the Cherokee Nation of the Department's decision, and advised them fully as to what would be required of them if they still desired to be enrolled as citizens of the Cherokee Nation. With his letter dated November 28, 1906, received December 15, 1906, Edgar Smith, attorney for applicants, transmitted patents to the land allotted Alberta (Albertie) Sarahass (Long) and Frank Sarahass, in the Wyandotte Nation, Indian Territory, and affidavits showing that the land embraced in the patents has not been alienated or encumbered, and relinquishments of said parties to the land allotted them "for and in consideration of the right to take an allotment in the Cherokee Nation." December 20, 1906, the Commissioner advised said attorney that there appears to be no question but that the applicants will be enrolled as citizens of the Cherokee Nation if they surrender the patents to the land allotted to them in the Wyandotte Nation and make satisfactory showing to the Department that the land has not been encumbered or alienated, yet, while that may be true, it did not appear to be advisable to accept



Secretary-3.

relinquishments of the land in the Wyandotte Nation conditioned upon their enrollment as citizens of the Cherokee Nation, and it was requested that the applicants file unconditional relinquishment of the land allotted them in the Wyandotte Nation.

A copy of the Commissioner's letter calling for the unconditional relinquishments referred to is enclosed for the Department's information.

With his letter of January 11, 1907, the attorney for applicants transmitted new forms of relinquishments, which he states conform to the Commissioner's "Suggestion that no recital should appear in said relinquishment to the effect that they are made in consideration of allotment in the Cherokee Nation." A copy of his letter is also enclosed.

The patents referred to show that the following land in the Wyandotte Nation, Indian Territory, was conveyed to Albertie Sarahass on April 19, 1892:

"The West half of the South East quarter of the South East quarter of Section eighteen, and the East half of the North West quarter of the South East quarter of Section thirty-two, in Township twenty-seven North, of Range twenty-five East of the Indian Meridian, Indian Territory, containing forty acres."

Secretary-4

And that the following land was conveyed to Frank Sarahas on the same date:

"The Lot numbered four of Section eighteen, and the lot numbered one of Section seventeen, in Township twenty-seven North of Range twenty-five East of the Indian Meridian, Indian Territory, containing thirty-four acres, and fifty one hundredths of an acre."

Said patents bear no filing stamp and there is nothing on them to show that any disposition has been made of them by the allottees.

The affidavits filed by Alberta Long, nee Sarahas and Frank Sarahas show that no part of the land described in the patents has been disposed of or encumbered in any manner, and the relinquishments of the land described appear to be sufficient.

The record in the case shows that Alberta Long and Frank Sarahas are children of Polly A. Sarahas a Cherokee citizen whose application for enrollment was granted by the Department in its decision of November 2, 1905, referred to, and Richard Sarahas a citizen of the Wyandotte Nation, and that Elmer L. and William Lucien Long are the minor children of Alberta Long and William P.

Secretary-5.

Long, a non-citizen of the Cherokee Nation; that Alberta Long and Frank Sarahas were born in the Wyandotte Nation; removed to the Cherokee Nation in the year 1890, where they have continuously resided from that time up to and including September 1, 1902, and that their names are identified on the 1896 Cherokee census roll. The records further show that they have been recognized as citizens of the Wyandotte Nation and that allotments were arbitrarily made to them while they were minors, and that they never consented for allotments to be made to them in the Wyandotte Nation.

Were it not for their recognition as citizens of the Wyandotte Nation and the fact that allotments have been made to them, they have the same right to enrollment as citizens of the Cherokee Nation as their said mother and grandmother, Polly A. Sarahas.

The patents, affidavits and relinquishments referred to are enclosed, together with the record returned by the Department September 24, 1906, and it is respectfully recommended that they be enrolled as citizens by blood of the Cherokee Nation.

In view of the provision of law that the Secre-

Secretary-6

tary of the Interior shall have no authority to approve the enrollment of any Cherokee citizen subsequent to March 4, 1907, it is respectfully requested that this case be made special.

There is enclosed a schedule containing the names of the applicants in this case, Numbers 32839 to 32842, inclusive, and in the event of the approval of the Commissioner's action enrolling these applicants as citizens of the Cherokee Nation, the approval of this schedule is recommended. The names of the persons appearing on this schedule here follow in the same numerical order as on the schedule:

No.	Name.
32839	Sarahas, Frank
32840	Long, Alberta
32841	Long, Elmer L.
32842	Long, William Lucien

Respectfully,

Encl.P-57

Commissioner.

Through the Commissioner  
of Indian Affairs.

D. C. 8770-1907.

I.T.D. 2394-1907.

L.R.S.

DIRECT.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON. S.P.

J.P.

February 11, 1907.

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

Sir:

In accordance with your recommendation in letter of January 24, 1907, and in Indian Officer letter of the fourth instant, submitting your report, the enrollment of Frank Sarahas, Alberta Long, Elmer L. Long, and William Lucien Long, as citizens by blood of the Cherokee Nation, is approved. The partial roll containing their names, submitted with your letter, has also been approved. Two copies thereof are inclosed.

The relinquishment of the patents to Alberta Long Sarahas, now Long, and Frank Sarahas to lands in the Wyandotte Reservation, Ind. T., are accepted and the patents Nos. 59 and 60 have been canceled and sent to the General Land Office.

The other papers have been returned to the Indian Office, including one copy of the partial roll. One copy has been retained for the files of the Department.

Respectfully,

Thos Ryan

First Assistant Secretary.

2 inclosures.  
Carbon copy and 7 inc. to Ind. Of.  
A.F.M. 2-13-07

Cherokee  
10988

Muskogee, Indian Territory, April 15, 1907.

Alberta Long,  
Fairland, Indian Territory.

Dear Madam:

You are hereby advised that your application for the enrollment of yourself and children, Elmer L. and William Lucien Long, as citizens of the Cherokee Nation, was granted by the Secretary of the Interior, February 11, 1907, and your names placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Department on that date.

Respectfully,

LMC

Commissioner

Cherokee  
10988 et al.

Muskogee, Indian Territory, April 15, 1907.

Edgar Smith,

Attorney for Alberta Long, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Alberta Long, et al., as citizens of the Cherokee Nation, was granted by the Secretary of the Interior, February 11, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-6  
LMC

Cherokee  
10988 et al.

Muskogee, Indian Territory, April 15, 1907.

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

Dear Sir:

You are hereby advised that the application for the enrollment of Alberta Long, et al., as citizens of the Cherokee Nation, was granted by the Secretary of the Interior, February 11, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-5  
LMC



Cher 10989

Original missing 10/25/40

M.L.

Cher 10989

Cher 10990

Lewis Tyner

Trans. from D97

Cher 10990

10990

IN RE

THE DEATH OF

John S. Jones

A CITIZEN OF THE

Cherokee

Nation

Approved

DEC 30 1907

190

J. Williams  
Commissioner

Commissioner

FILED

DEC 30 1907

J. Wright

Department of the Interior,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of John L. Tyner  
Here insert name of deceased

a citizen of the Cherokee Nation, who formerly resided at or near  
Curtis, (Here insert name of post office) Ind. Ter., and died on the 30<sup>th</sup> day of  
October, 1906

AFFIDAVIT OF RELATIVE

State of Oklahoma  
County of Muskogee

I, Lewis Tyner, on oath state that I am 42  
years of age and a citizen, by Blood of the Cherokee Nation;  
that my postoffice address is Campbell Okla Ind. Ter.; that I am  
Father of John L. Tyner  
(State relationship, as the father, an uncle, a cousin, etc.) Here insert name of deceased)  
who was a citizen, by Blood of the Cherokee Nation  
and that said John L. Tyner died on the 30 day of  
October, 1906.  
Here insert name of deceased.

WITNESSES TO MARK:

Lewis J. Tyner

(Must Be True)  
Witnesses

Subscribed and sworn to before me this 30 day of Dec. 1907

My Commission Expires 9/13/1911

Garry Montague  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

State of Oklahoma  
County of Muskogee

I, J. A. Carter, on oath state that I am 47  
years of age, and a citizen by \_\_\_\_\_ of the \_\_\_\_\_ Nation;  
that my postoffice address is Campbell Okla Ind. Ter.;  
Here insert name of postoffice,  
that I was personally acquainted with John L. Tyner  
(Here insert name of deceased)  
who was a citizen, by Blood of the Cherokee Nation;  
and that said John L. Tyner died on the 30 day of  
October, 1906.  
(Here insert name of deceased)

WITNESSES TO MARK:

J. A. Carter

(Must Be True)  
Witnesses

Subscribed and sworn to before me this 30 day of Dec. 1907

My Commission Expires 9/13/1911

Garry Montague  
Notary Public.

Cher 10991

James Wolfe

For papers in this case, see  
jacket 11131

Trans. from M 215

Cher 10991

Cher 10992

Mariah Micco

Trans. from D2974

Cher 10992

R  
Cher D 2974

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLERT, ET AL.,  
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,  
testified as follows:

- Q What is your name? A Emmet Starr.  
Q What is your age? A Thirty one years.  
Q What is your post office address? A Claremore, I. T.  
Q Are you a citizen by blood of the Cherokee Nation?  
A Yes sir, I am.  
Q For whom do you desire to make application for enrollment?  
A For the following named persons on the 1896 Cherokee roll,  
their families and descendants:

Mariah Willy #2160 Illinois District.

- Q Are there any other persons for whom you desire to make appli-  
cation for enrollment?  
A I desire to apply for the following named persons on the 1896  
Cherokee roll, their families and their descendants:

-----  
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.

Subscribed and sworn to before me this December 9, 1902.

*E. C. Bagwell*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., OCTOBER 11, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARIAH WILLY ET AL., as citizens by blood of the Cherokee Nation.

LORINDA MICCO, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Lorinda Micco.  
Q You are 32 years old? A Yes sir.  
Q Your post office Braggs? A Yes sir.  
Q You are a Cherokee by blood? A Yes sir.  
Q You have just given testimony in your own case have you, your own enrollment case? A Yes sir.  
Q Application has been made to the Commission to the Five Civilized Tribes for the enrollment of Mariah Willy, do you know her?  
A She lived right close to me.  
Q Is she living at the present time? A Yes sir.  
Q Her post office Braggs? A Yes sir.  
Q Is she a Cherokee by blood? A She is half Creek.  
Q Half Creek and half Cherokee? A Yes sir, she aint much Cherokee either.  
Q She is part white is she? A No sir, Willy is her daddy, and her mamma is half Creek.  
Q Then she is 3/4 Creek and 1/4 Cherokee? A Yes sir.  
Q Was her father your husband? A Yes sir.  
Q Your testimony shows that his name was Willie Tulwar Micco?  
A Yes sir.  
Q And he is dead? A Yes sir.  
Q He was a full blood Creek was he? A Yes sir.  
Q Is her proper name Mariah Micco? A No sir, she is married now.  
Q What is her husband's name? A Keener Deer-in-water.  
Q He is living, is he? A Yes sir.  
Q He is a full blood Cherokee? A Yes sir.  
Q What is the name of the mother of Mariah? A I don't know her name.  
Q Is she dead? A Yes sir.  
Q Been dead a long time? A Yes sir.  
Q Was she a Cherokee? A No sir, she was half Creek.  
Q How long has Mariah lived in the Cherokee Nation, all her life?  
A All her life.  
Q Never made her home anywhere else? A No sir.  
Q Has she got some children? A Yes sir, two.  
Q What is the name of her oldest child? A Martha Thompson.  
Q How old is Martha? A Going on 5 years old.  
Q What is the name of her next child? A John Lee.  
Q How old is John? A He is going on 3? A  
Q Do you know when his birth day is, when will he be 3? A I don't know.  
Q You have a child named Bessie? A Yes sir.  
Q Which is older, Bessie or John? A Yes sir, he is going on 4.  
Q He is older than Bessie? A Yes sir.  
Q Do you know how much older? A I couldn't say how much older, he was setting alone when Bessie was a little baby.  
Q He must be a year older than Bessie? A Yes sir.  
Q She had another child that died, did she? A Yes sir.



- Q What is its name? A The baby is living, she has got the baby she has got two living and one dead.
- Q Martha and John are both living? A Martha is dead and John is living.
- Q What is the other child's name? A Mary.
- Q Is it a little baby? A Yes sir, just a little baby, setting alone.
- Q It is about a years old I guess? A Yes sir.
- Q How long has Martha been dead? A Going on nearly 3 years now.
- Q Do you know when it will be 3 years? A No sir.
- Q Did Martha die before your child Bessie was born or afterwards? A August.
- Q You think it was August that Martha died? A Yes sir.
- Q Will it be 3 years this next August or 3 years this past August? A Three years next August.
- Q Two years this past August it died? A Yes sir.
- Q What is the name of the father of Martha Thompson? A Joe Thompson.
- Q Is he living? A No sir.
- Q Is he dead? A Yes sir.
- Q Was he a Cherokee? A Yes sir.
- Q Do you know how long he has been dead? A No sir.
- Q What is the name of the father of John Lee? A Jim Lee.
- Q Is he living? A Yes sir.
- Q Is he a Cherokee? A Part Cherokee.
- Q And part Creek? A Yes sir.
- Q He lives in Illinois District, does he? A Yes sir.
- Q Has Mariah got a sister named Betsy Beaver? A Yes sir.
- Q They both have the same mother? A Yes sir.
- Q Betsy Beaver's husband named Washington Beaver? A Yes sir.

A sister of the principal applicant in this case is identified on Cherokee card Field No. 8422, as Betsie Beaver, her name appearing on the final roll opposite No. 32516.

- Q Do you know what Susie's name was before she married Creek Willy? A No sir.
- Q Did Mariah ever draw any money from the Cherokee nation? A Yes sir.
- Q Did she ever draw any money from the Creek Nation? A I don't know.
- Q Was she ever allotted any land in the Creek Nation? A No sir.
- Q If she ever got an allotment, you don't know it? A No sir.

The records of the Creek Enrollment division have been examined and no record can be found of any application having been made for the enrollment of the applicant as a citizen of that nation, neither can her name be identified on the Creek Tribal roll on which her father, Willie Tulwar Micco is enrolled.

The applicant is identified on the 1896 Cherokee Census Roll, Illinois District, No. 2160, as Mariah Willy, a Native Cherokee, 12 years of age. She is identified thereon with her sister, Betsy Willy.

- Q How long has Mariah and Keener Deer-in-water been married? A It has not been a month yet.
- Q What was her name before she married him? A Mariah Micco.
- Q She was never married to anybody else besides Keener? A I couldn't tell you how many.
- Q Did she always go by the name of Mariah Micco? A I don't know, she may have done separated by this time.
- Q Jim Lee a Cherokee citizen? A Yes sir.
- Q They married last month, did they? A Yes sir.

-----00-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*George H. Lessley*

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

*Myron White*

Notary Public.

3761

841.

199

**IN RE**

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 20, 1906.

*John Leaf*  
.....  
as a citizen of .....

*United States* ..... Nation.

Approved ..... 190 .....

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

**FILED**

JUN 20 1906

*[Signature]*  
COMMISSIONER

RECEIVED

JUL 16 1906.

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

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation, of John, born on the ... day of ... Name of Father: ... a citizen of the ... Nation. Name of Mother: Macee ... a citizen of the ... Nation. Tribal enrollment of father: 19562 Tribal enrollment of mother: ... Postoffice: ...

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, ... District

I, Macee, on oath state that I am ... years of age and a citizen by ... of the ... Nation; that I am the lawful wife of ... who is a citizen, by ... of the ... Nation; that a ... child was born to me on ... day of ...; that said child has been named ... and was living March 4, 1906

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this ... day of ... 1906.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, ... District

I, ... on oath state that I attended on ... wife of ... on the ... day of ... 1906; that there was born to her on said date a ... child; that said child was living March 4, 1906, and is said to have been named ...

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this ... day of ... 1906.

Notary Public.

3761

~~Case 10902~~  
Mariah <sup>IN RE</sup> Nicco

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 20, 1906.

John Leaf

as a citizen of

Cherokee Nation

Approved ..... 190...

Commissioner.

Department of the Interior  
Commissioner to the Five  
Civilized Tribes

F I L E D

JUL 20 1906

Tams Bixby, Commissioner

Received JUL 16 1906

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

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation, of John Leaf, born on the ... day of ... Name of Father Jim Leaf, a citizen of the Cherokee Nation. Name of Mother Mariah Micco, a citizen of the Cherokee Nation. Tribal enrollment of father 19561 Tribal enrollment of mother ... Postoffice Campbell, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Northern District.

I, Betsy Girty, on oath state that I am ... years of age and a citizen by blood of the Cherokee Nation; an acquaintance of Mariah Micco, wife of Jim Leaf, who is a citizen, by blood of the Cherokee Nation; that a male child was born to her on ... day of ...; that said child has been named John Leaf, and was living March 4, 1906.

Signed Betsy Girty, her mark

WITNESSES TO MARK:

no one present could sign name. [Must be Two Witnesses]

Subscribed and sworn to before me this 10 day of July 1906.

SEAL

John Israel, Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Northern District.

I, Linda Micco, on oath state that I am an acquaintance of Mariah Micco, unlawful wife of Jim Leaf, about year of 1902; that there was born to her on said date a male child, that said child was living March 4, 1906, and is said to have been named John Leaf.

Signed Linda Micco, her mark

WITNESSES TO MARK:

no one present could sign name. [Must be Two Witnesses]

Subscribed and sworn to before me this 10 day of July 1906.

SEAL

John Israel, Notary Public

---

**IN RE**

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Mary Waters

.....

as a citizen of

Cherokee

.....

Nation.

Approved..... 190...

.....

Commissioner.

---

Department of the Interior  
Commissioner to the Five  
Civilized Tribes

F I L E D

JUL 23 1906

Tams Bixby, Commissioner

Received Jul 16 1906

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

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation, of Mary Waters, born on the ... day of ... Name of Father: George Waters, a citizen of the Cherokee Nation. Name of Mother: Mariah Micco, a citizen of the Cherokee Nation. Tribal enrollment of father: 19919. Tribal enrollment of mother: ... Postoffice: Campbell I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Northern District.

I, Betsy Girty, on oath state that I am ... years of age and a citizen by blood of the Cherokee Nation; an acquaintance of Mariah Micco, unlawful wife of George Waters, who is a citizen, by blood of the Cherokee Nation; that a female child was born to her about the year of 1904; that said child has been named Mary Waters, and was living March 4, 1906.

SEAL

Signed Betsy Girty her mark

WITNESSES TO MARK:

[Must be Two Witnesses] no one present could write name

Subscribed and sworn to before me this 10 day of July 1906.

John Israel Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Northern District.

I, Linda Micco, on oath state that I am an acquaintance of Mariah Micco, unlawful wife of George Waters, attended on ... in fall of 1904; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Mary Waters.

her Linda Micco mark

WITNESSES TO MARK:

SEAL

[Must be Two Witnesses]

Subscribed and sworn to before me this 11 day of July 1906.

John Israel Notary Public.



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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of John Lee (Here insert name of child) born on the \_\_\_\_\_ day of \_\_\_\_\_, 1905,  
Name of Father: Jim Lee a citizen of the Cherokee Nation.  
Name of Mother: Mariah Deerwater, Ne Nicco citizen of the Cherokee Nation.  
Postoffice \_\_\_\_\_

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT. }

I, Mariah Deerwater, Ne Nicco, on oath state that I am \_\_\_\_\_  
years of age and a citizen by blood of the Cherokee Nation;  
that I ~~am~~ <sup>was</sup> the ~~former~~ wife of Jim Lee, who is a citizen, by  
blood of the Cherokee Nation; that a male child was  
born to me on \_\_\_\_\_ day of \_\_\_\_\_, 1905; that said child has been named  
John Lee, and ~~is now living~~ is now living

WITNESSES TO MARK:

(Must be Two Witnesses.) {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1905.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT. }

I, \_\_\_\_\_, a \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1905; that there was born to her on said date a  
child; that said child was living March 4, 1905, and is said to have been named \_\_\_\_\_  
(Male or Female.)

WITNESSES TO MARK

(Must be Two Witnesses.) {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1905.

Notary Public.

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Martha Thompson (Here insert name of child) born on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Name of Father: Joe Thompson a citizen of the Cherokee Nation.  
Name of Mother: Mariah Deerinwater, nee Micco a citizen of the Cherokee Nation.  
Postoffice: Traggs Ind Bn

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT. }

I, Mariah Deerinwater, nee Micco, on oath state that I am \_\_\_\_\_ years of age and a citizen by blood of the Cherokee Nation;  
that I ~~was the~~ was the wife of Joe Thompson, who is a citizen, by blood of the Cherokee Nation; that a female child was born to me on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that said child has been named \_\_\_\_\_ and was living September 1, 1902.

WITNESSES TO MARK: X

(Must be Two Witnesses) {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT. }

I, \_\_\_\_\_, on oath state that I attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that there was born to her on said date a \_\_\_\_\_ child, that said child was living March 4, 1905, and is said to have been named \_\_\_\_\_.

WITNESSES TO MARK.

(Must be Two Witnesses) {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_

Notary Public.

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

In the matter of the death of Martha Thompson  
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near  
(Here insert name of postoffice) , Ind. Ter., and died on the \_\_\_\_\_ day of \_\_\_\_\_, 190

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT. }

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_  
years of age and a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation;  
that my postoffice address is \_\_\_\_\_, Ind. Ter.; that I am

(Here insert name of postoffice.)  
(State relationship as the father, an uncle, a cousin, etc.) of Martha Thompson  
(Here insert name of deceased.)

who was a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation  
and that said Martha Thompson died on the \_\_\_\_\_ day of \_\_\_\_\_, 190

(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two Witnesses) {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 190

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT. }

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_  
years of age, and a citizen by \_\_\_\_\_ of the \_\_\_\_\_ Nation;  
that my postoffice address is \_\_\_\_\_, Ind. Ter.;

(Here insert name of postoffice.)

that I was personally acquainted with \_\_\_\_\_  
(Here insert name of deceased.)  
who was a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation;

and that said \_\_\_\_\_ died on the \_\_\_\_\_ day of \_\_\_\_\_, 190

(Here insert name of deceased.)

WITNESSES TO MARK: \_\_\_\_\_

(Must Be Two Witnesses) {

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 190

Notary Public.

DEPARTMENT OF THE INTERIOR,  
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
 MUSKOGEE, I. T., FEBRUARY 4, 1907.

In the matter of the application for the enrollment of  
 JOHN LEAF as a citizen by blood of the Cherokee Nation.

JOHN ISRAEL, being first duly sworn by Chas. E. Webster, Notary  
 Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A John Israel.  
 Q What is your age? A 32.  
 Q What is your post office address? A Braggs.  
 Q Are you a Cherokee by blood? A Yes sir.  
 Q Have you been employed by this office to obtain information  
 relative to certain children of full blood Cherokees? A Yes sir.  
 Q Have you, in your memorandum book, any information concerning a  
 child named John Leaf? A Yes sir.  
 Q What is the name of his father? A Jim Leaf.  
 Q What is the name of his mother? A Maria Micco.  
 Q Did you see this child, John Leaf? A No sir, the mother of the  
 child is now living in the Creek Nation.  
 Q Is it your information that the child is living with its mother?  
 A Yes sir.  
 Q Did you find out how old the child is? A No sir.  
 Q Are the parents of the child living together as husband and wife?  
 A No sir.  
 Q Have they separated? A Yes sir.  
 Q About when did they separate? A From what I could find out they  
 have never been recognized as husband and wife.  
 Q It is your information that this child, John Leaf, is the illegit-  
 imate child of Maria Micco and John Leaf? A Yes sir.  
 Q Is Maria Micco a full blood Cherokee? A No sir.  
 Q Is she a Creek? A Yes sir, I think she is part Creek.  
 Q Is she a full blood Indian? A Yes sir.  
 Q Part Creek and part Cherokee? A Yes sir.  
 Q Is John Leaf a full blood Cherokee? A Yes sir, I think he is.  
 Q What is the name of John Leaf's father? A John Leaf.  
 Q What is the name of his father? A Sa-hoy.  
 Q What is the name of Maria Micco's father? A William Micco.  
 Q What is the name of her mother? A Susie Boland, or Roland; that  
 was her maiden name; I suppose her name is now Micco.  
 Q It is your information that John Leaf and Maria Micco never lived  
 together as husband and wife? A They never lived together.  
 Q Is this all your information in this case? A Yes sir.

( Witness excused ).

-----

The undersigned, being first duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the above and foregoing testimony, and that the same is a full, true and complete transcript of her stenographic notes thereof.

Laura Waters

Subscribed and sworn to before me this 8 day of February, 1907.

B.P. Rasmus  
Notary Public.

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

---

In the matter of the application for the enrollment of  
Mariah Micco, et al., as citizens by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Mariah Willy, her family and descendants as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 11, 1905. It is further shown that the correct name of Mariah Willy, on September 1, 1902, was Mariah Micco, and that her family, on that date, included herself and minor children, Martha Thompson and John Lee.

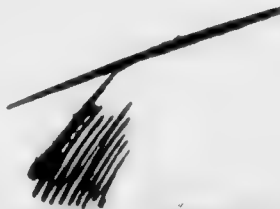
THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Mariah Micco, is a Cherokee by blood; that she was born in the Cherokee Nation since 1880, and has continuously resided therein since birth. Said principal applicant is duly identified on the Cherokee Strip Payment roll of 1894, and the Cherokee census roll of 1896 as a citizen by blood of the Cherokee Nation. It is further shown that said principal applicant possesses Creek blood, but an examination of the records of the Creek Nation fails to show that any application has ever been made for her enrollment as a citizen of the Creek Nation. It is further shown that the minor applicants herein, Martha Thompson and John Lee, were born in the Cherokee Nation, and have continuously resided therein since birth. The evidence further shows that one Petsy Beaver, a sister of the principal applicant, Mariah Micco, is a regularly enrolled citizen by blood of the Cherokee Nation, her name appearing upon the approved partial roll of citizens by blood of said Nation, opposite No. 32516.

Paragraph eight of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands

and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distribution, and not elsewhere."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Mariah Micco, Martha Thompson and John Lee are entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly granted.



\_\_\_\_\_  
Commissioner

Dated at Muskogee, Indian Territory,  
this \_\_\_\_\_ 1907.

Cherokee N.B. 3761.

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

.....

In the matter of the application for the enrollment of John Leaf as a citizen by blood of the Cherokee Nation.

O R D E R .

THE RECORDS OF THIS OFFICE SHOW: That on July 16, 1906, application was received for the enrollment as a minor citizen of the Cherokee Nation of John Leaf, minor illegitimate child of Mariah Micco, whose enrollment is included in a schedule of citizens by blood of the Cherokee Nation, transmitted for Departmental approval February 23, 1907, opposite No. 32887, under the provisions of Section two of the Act of Congress approved April 26, 1906, (34 Stats., 137). The records further show that the said applicant, John Leaf, is identical with the person whose name appears on Cherokee card No. 10992, as John Lee, and whose application has been elsewhere considered.

IT IS, THEREFORE, ORDERED: That Cherokee N.B. Card No. 3761, be, and the same is, hereby, cancelled.



Commissioner.

Dated at Muskogee, Indian Territory,  
this FEB 27 1907 .



COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. E. BRACKENRIDGE.

WM. O. BEALL,  
Secretary

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

*Cherokee*  
ORDER IN REPLY TO THE FOLLOWING:  
Cherokee D-2974.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, February 1, 1905.

Mariah Willy,

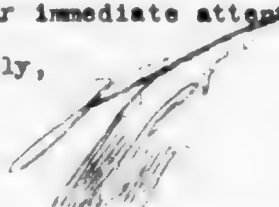
Braggs, Indian Territory.

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen of the Cherokee Nation, it will be necessary for you to appear before this Commission, at Muskogee, Indian Territory, and give testimony relative to your residence in the Cherokee Nation.

This matter should receive your immediate attention.

Respectfully,



Chairman.

Register.

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Oct 25 1875

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to send it to me

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to send it to me

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and I want you  
to send it to me

COPY.

Cherokee-D-2931-  
2974.

Muskogee, Indian Territory, May 1, 1905.

Lorinda Willy,

Care of J. J. Patrick,

Braggs, Indian Territory.

Dear Madam:

In the matter of the application made for your enrollment, and also for the enrollment of Mariah Willy, as citizens by blood of the Cherokee Nation, you are advised that, before the Commission can determine your rights as such citizens, it will be necessary that you appear in person before the Commission, at its offices in Muskogee, Indian Territory, and testify relative to your rights.

There has never been a personal appearance in this case, and, as it is very important, it should receive your prompt attention.

Respectfully,

SIGNED.

*Tamc Dixby.*

Chairman.

Cherokee  
N B 3761

Muskogee, Indian Territory, January 25, 1907

William Kubanks,

Wauhilla, Indian Territory.

Dear Sir:

This office is informed that the parents of John Leaf, who appears on your list at Number 3761, and whose postoffice was formerly Campbell, Indian Territory, now reside near Welling, Indian Territory. Please make an effort to secure sufficient information to enroll said child.

Respectfully,

L M B

Commissioner

QMB. 3761

REFER IN REPLY TO THE FOLLOWING:

Cherokee 10992

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

Muskogee, Indian Territory, February 23, 1907.

Mariah Micco,  
Briggs, Indian Territory.

Madam:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for the enrollment of yourself, and children, Martha Thompson and John Lee as citizens by blood of the Cherokee Nation.

You will be advised when your name and said children have been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl. K-88  
BLE

  
Commissioner.

Cherokee 10992

Muskogee, Indian Territory, February 23, 1907.

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

Dear Sir:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for the enrollment of Mariah Micco, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

Encl. 2-89  
MLB.

Commissioner.

Cherokee D. 2074

Muskogee, Indian Territory, February 23, 1907.

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

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Mariah Micco, et al, as citizens by blood of the Cherokee Nation. Time for protesting said decision is waived and I consent that said persons may be placed upon the schedule immediately.

Respectfully,

*W. W. Hastings*

Attorney for the Cherokee Nation.



Cherokee 10992

Muskogee, Indian Territory, February 23, 1907.

Mariah Nicco,  
Braggs, Indian Territory.

Madam:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for the enrollment of yourself, and children, Martha Thompson and John Lee as citizens by blood of the Cherokee Nation.

You will be advised when your name and said children have been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl. K-88  
BLN

Commissioner.

Cherokee 10992

COPY

Muskogee, Indian Territory, February 23, 1907.

Mariah Nicco,

Braggs, Indian Territory.

Madam:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for the enrollment of yourself, and children, Martha Thompson and John Lee as citizens by blood of the Cherokee Nation.

You will be advised when your name and said children have been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

STANLEY TAMS B

Commissioner.

Encl. X-88  
MLE

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Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.



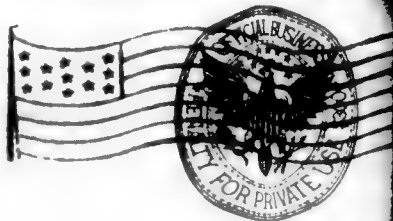
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RECEIVED  
FEB 11 1911  
U.S. DEPT. OF AGRICULTURE  
WASHINGTON, D.C.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCÉE, IND. TER.



Marish Micco,

Brags, Indian Territory.

Cher 10993

Original missing 10/25/40

M.L.

Cher 10993



Cher 10994

Hugh Holland

Cancelled and trans. to

IW 285

Trans. from D2025

Cher 10994

CHEROKEE

10994

Hugh Holland

GRANTED

FEB 27 1880

Transferred from D-2025

END

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